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THE DELIMITATION AND MENSURABILITY OF POLITICAL PHENOMENA

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Political science is not a sociological science of everything, a psychological study of all human behavior in all aspects, an anthropological inquiry into miscellaneous human customs, or a philosophy of history. Still less is it a study only of the state, which is a form of social organization resulting from one species of political action, or a study only of governments and the stage properties of law and administration.

Politics is concerned with a field of human behavior characterized by the recurrence of specific behavior patterns. These peculiarly political patterns, however, must not be treated simply as a series of incidents in mere temporal juxtaposition. Human history must be studied as natural history and physical phenomena have been studied, that is to say, with a view to the detection of a recurrence in these patterns, and, hence, of a process in accordance with which, in given total situations, given detailed behavior patterns recur. These patterns are "lines of conduct" of an individual or group character, pursued in relation to other individuals or groups, as a matter of human method in dealing with such situations, which situations arise partly from the nature of the non-human environment, partly from the historical combination of human factors. The resultant specific action or behavior recurs with the recurrence of the stimuli of the approximately recurrent situation; for example, a certain general situation known as "the outbreak of hostilities" has

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certain specific consequences in changes of individual conduct toward members of a given nation, and the need of putting through a domestic policy against opposition brings into play the ever similar methods of party organization.

In brief, political phenomena, to be observed in contemporary history checked by past history relevantly treated, must be studied, whether by the aid of narrative or of statistics, from the point of view of the observation of process, of what actually does repeatedly happen. For the purpose of a science of politics they must not be studied from the point of view either of the planless agglomeration of heterogeneous detail, as by those historians who write what has happily been called "pedestrian poetry," or from that of illustrating political doctrines, ideals, and principles, as by the essay writers and fairy story tellers who would build the City of God before they have studied engineering. The sound method is the method anticipated by Machiavelli, namely, of seeking for and studying recurrence.

The scientific study of any field of phenomena requires the general delimitation of that field, and it requires that the delimitation shall arise intrinsically from the nature of the subject matter and not be of a purely fortuitous nature, based on some merely external similarities in what is observed. Such, for example, would be a definition of the word "political" as designating every act of a governmental official from issuing postage stamps to firing a naval gun.

It is not imperative to discuss here whether the limits of the subject matter—and how and where the dividing line between the relevant and the irrelevant shall approximately be drawn—are to be determined by some intrinsic quality of the phenomena, or, as seems more probable, by the attitude of the student who selects for his convenience certain aspects of experience for study. But a science of biology cannot be founded on, for example, the study of everything to do with horses, because of their external similarity, including a study of their breeding but excluding other forms of organic life. One divides, in biology, between zoölogy and botany by some more fundamental and less gratuitous distinction. The other method is inexpedient and unscientific because, of itself,

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it frustrates that schematization, and detection of concealed relations, which is one of the objects of science. Biology must be founded on the study of the behavior of organic matter, wherever this may be found, despite phenomenal difference. Similarly, it is inept to found a science of politics on a study of states and governments, to the exclusion of study of the more permanent facts (such as class organization, as revealed, e. g., by the extent of intermarriage between members of different occupational groups) or of problems of human control found in non-state organizations. It is relevant to politics to study the methods of parties and of press influence, or of the methods of, e.g., the Vatican or of a board of directors, the institution of the Society of Jesus or of the Freemasons, the relations of an army general to his men, or the accommodation of personalities between parents and children. This is not, of course, for a moment to deny that the "nuclear experience" which is the subject of study in politics, as distinct, e.g., from economics, is governmental experience. Politics must, however, be founded on the observation of some distinguishable political "process" (to use a term adopted by Ross and by anthropologists such as Malinowski), and this, it may be tentatively suggested as a focus of convenient study, is to be detected in the recurrent situation of the relationship of wills in a fashion of control. Most of the phenomena currently referred to as "political" appear, as a common characteristic, to involve this fundamental relationship.

This suggestion about the prerogative type of situation for political study, namely, the "human control situation," is, of course, in the present immature condition of the entire study of method in the social sciences, peculiarly politics, a thesis for criticism and not a matter for dogmatism. That this particular type of situation should be selected as the "political" one, is as arbitrary as any other use of words. What is important is that we should keep before our minds some compassable and consistent matter of study for our discipline. And this particular description of the subject matter probably does as little violence to the current or to the Aristotelian use of the word "politics," with the implications of rule and of civil relationship, and is as little in-

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convenient, as any other. It is, moreover, in accord with that tradition in the interpretation of political phenomena which has probably achieved the best results.[1] Perhaps, however, its chief advantage, apart from providing a fundamental delimitation of the field, is negative, in that it points out to what the study of politics must *not* be limited, namely, the state. To limit it is to fall into the error of those who assume that the regulation of the conditions of life of those citizens who are, e. g., miners, is an "economic matter" into which politics must not intrude. It may be that, as the Spencerian school has always held, even to the days of Sir Ernest Benn, the state should not interfere; but the control of men by employers or trade union executives remains a political activity to be considered in relation to its communal import. Politics, it must be remembered, is, derivatively, the study of "the things of the city-community." To narrow this connotation is to mutilate our subject matter. The phrase, however, "the control relationship of wills" is itself immediately open to two objections.

The use of the word "will," or "willing," is in danger of associating any new theory with the obsolete psychology which assumed parts of the soul, of which the work of Bain is an outstanding modern instance, and which has, in the opinion of some, experienced a partial recrudescence in the writings of Professor McDougall. From this whole conception, which entitles John Dewey to speak of "the alleged fact of will," it is necessary to dissociate the political theory of will. The word "will" is selected as emphasizing not only the *active* element implied in the word "determination,"—but not in such a word as "disposition" or "attitude"—but also the *transient* element which carries our thoughts on to external action as distinct from the "incomplete act" of mental contemplation. A study of quiescence cannot explain the rise or change, although it may explain the maintenance, of political institutions. It is not, moreover, the contemplation of ideals but the result, often unforeseen, of the interaction of myriads of energetic units which builds up anew and re-forms the

[1] See the writer's article on "The Doctrine of Power and Party Conflict" in the REVIEW for Nov., 1925.

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social structure into this or that shape. These "wills" (taken formally) are to be understood as *purposive,* but not necessarily as *purposeful,* or moved by final causes. Our term will admit of a non-teleological as well as of a teleological interpretation of phenomena.[2]

The "relationship of individuals," as an alternative phrase, would be objectionable, since the social relationship is not only of physically individual units (Spencerian atomism), but also may be conveniently treated as a relation of compounds constructed of coäcting individuals—"groups," but groups only in so far as they in fact behave as unitary wills and not in so far as they may be conceived of, after the fashion of the state-person theorists, as metaphysical entities. Moreover, the term "individual" appears to draw attention to the personal characteristics of this or that individual, which may be irrelevant to our study; whereas the more abstract term 'will' permits our thoughts to concentrate upon the *formal* relationship with other "wills," apart from consideration of the *content* of what is willed. "The relationship of behaviors," although more consistent with the phraseology of certain psychologists, avoiding any irrelevant psyche doctrine of the will, and rightly disclaiming the relevance of the degree of intelligence or consciousness in the action, is open to objection, since a course of behavior is no atomic unit to be related to another atom, but the behavior is the manifestation itself of a relation and of a "situation" which is bound up with the environment. To accept this term is to risk involving ourselves in a nominalism which will dissipate the subject matter of any social science. We can, however, relate an instance on the part of individuals of a particular type of behavior, by which they show their several wills or joint will, to the behavior manifesting the willing or striving acts of other individuals. And the sign of such "willing-behavior" is action tending to produce or resist a re-

[2] M. A. Copeland, "Desire and Purpose from a Natural-Evolutionary Standpoint," *Psychological Review,* July, 1926, p. 249. F. Znaniecki (*Laws of Social Psychology,* 1925, pp. 59 ff.) selects the term "social action," which, however, (a) is defined as an active psychological phenomenon, and (b) involves no implication in itself of an individual center of activity. Hence it may be contended that it has the difficulties without the advantages of the term chosen in the text.

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alignment of conduct. A situation of tension is produced when one human being endeavors at the expense of his environment to change his future lot; a situation of control is set up when the realignment is conditioned by the relationship of two or more wills; a situation of group control is set up when the tension of balance between individuals is considered as subsidiary and auxiliary to the maintenance of a satisfactory control over the actions of outsiders.

A second objection can be found to the formula "control relationship of wills" in the use therein of the word "control." A control relationship is one species, and that the peculiarly human and social species, of the general tension existing between striving man and his environment. In this sense it can be truly said that politics is, if not *une nouvelle physique* (and, indeed, it is more prudently spoken of in medical than in mechanical terms), at least a branch of the study of natural phenomena. But the control-relationship of wills must not be understood to be synonymous with domination. The most permanent and effective control of one will over the action of another may be some assured coördination of plan of action, such as is provided in custom (guaranteed in part by an intellectual appreciation of the fact that any other course must be one of greater mutual friction and individual frustration), rather than in the domination-subjection relationship, with its element of friction and instability. The art of politics is to prevent wills thrusting against each other, and to manipulate them in such fashion that they thrust, in fashion parallel to each other, against third parties or against material obstruction.

Politics, nevertheless, cannot be described as the "study of solutions in the relationships of differentiable wills." Although harmony, thanks to intelligent coördination, rendering parallel and non-conflicting hitherto divergent lines of conduct, may represent the condition of equilibrium to which, on the one side, the political process tends, the other side of the process, the falling out of line of wills as the total situation changes and binding interests snap, equally demands recognition in our terminology, if this is not to beg the question. The *petitio principii* of a "normal" condition of social harmony is as misleading as touching

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the study of the political process as the *petitio principii* of the identification of community and state (usually referred to, architypally, as "the state") is misleading as touching the subject matter of politics.

The thrust of personality against personality is not abolished because the parties have come to terms; it is merely temporarily converted into equally powerful conjoint action, as of well connected parts running together smoothly in a machine at full speed. But, although they represent different degrees of solution or balance, the conqueror-conquered relationship, the imperfect solution of the "compromise" or "accommodation" relationship, and the complete parallelism of wills in social harmony all indicate control, in the sense that there is a guarantee, more or less certain, and more or less requiring sanctions, that one will shall not cross another and that the one individual shall remain within these limits, in relation to the other, free to execute his own will. Not only the relation of sergeant major and private, but that of promissee and promissor, is control relationship, not merely as indicated by the behavior of the party who should be obedient or bound, but also by the sanctions actually imposed by, and by the assurance actually presumed in the conduct of, the other party.

In the first place, then, every control situation between man and man, being a specific case of the general tension between man and his environment, is a political situation. In the interpretation of the control relationship many methods are possible between which it is only possible to distinguish pragmatically by testing to what degree they render political phenomena intelligible and enable us to distinguish the permanent and constitutional, or, again, the recurrent and functional, from the non-recurrent and incidental, content. But, in the second place, the control relationship may be held to point to a degree of desire for control on the part of every man in striving to execute what may happen, at the moment, to be his will, which persistence and attitude of "willing" flows from the fact of individuality itself coupled with the fact of necessary social relations. It is necessary here to guard against the tautology of defining politics as the field of control situations

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and then explaining the field of political action as arising from the motive of "control." Every control situation is *pro tanto* political, but the degree to which a given situation, which bears the characteristics, among others, of the control relationship, is to be explained in terms of the desire for domination as the chief motive, is a matter for further and unpredetermined investigation. It does not follow that every institution involving a political or control relation is only or chiefly to be explained in terms of greater or less pertinacity of will, rather than of imitation, suggestion or other appropriate stimulation, sociability, sexual or acquisitive tendencies, etc. Repugnance, again, to the external constraint of the will is only one factor in building up political institutions. It is, nevertheless, a constant and potent factor, doubtless deserving of more exhaustive examination in its effects in moulding social structure than it has hitherto received.

The first problem of the science of politics is to give some acceptable description—not of the paraphernalia of government, which are complex and secondary (but, of course, entirely relevant in their place)—but of the simple and primary political act which corresponds in frequent, commonplace, and fundamental character with the "business transaction" in economics. This, it is suggested, is to be found in the control relationship of wills. We may add, if we choose, that the desire for power, that is, the desire to pursue one's way unlimited, corresponds with the desire to have. The one desire, it may be remarked parenthetically, can probably be gratified in social security to the same extent that the other can be by social possession. Political science, equally with economic science, cannot be forecast to favor exclusively an individualistic philosophy.

The second problem of a science of politics is to reduce to measure the different strengths of these control relationships, which are so colorful and widely different in their qualitative nature, ranging from the hold of American finance over the French taxpayer (accompanied by resentment against American power) to the brutal simplicity of the methods of a Zulu chieftain. The problem, in short, is that of the quantitative measurement of power—not of providing some casual statistics about political and

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cognate matters, although even these, by satisfying that demand which Mr. Sidney Webb has admirably voiced for "measurement," are by no means to be despised, and should be regarded as indispensable to a properly equipped school of social sciences capable of undertaking survey work. Certain political power relationships, it may be admitted, are as incapable of being expressed in terms of units as certain business transactions are incapable of being expressed in terms of money. Nevertheless, the crux of our requirement seems to be: granted a control, e. g., a law imposed by part of society as its will on the whole, including the opposition, what strength is there behind it and what strength of will is there in the opinion of the opposition, and how shall we measure this strength? Were we to find such a measure of energetic opinion, of will power—however crude it might be as a statistical expression of degrees of control—it might be exceedingly valuable practically, as an index of the strength of domination or of resistance of one group in its relation to another.

Certain recent statistical work, such as that of President H. T. Moore and Professors Floyd Allport, Stuart A. Rice, and L. L. Thurstone,[3] is valuable as indicating, by its attempts to secure a method for the measurement of public opinion, how this second problem may perhaps be met. So long as we are concerned with simple aggregates of individuals—with military forces equally armed or with voters under a democratic system—the reduction of the power of opinion to number of heads is the obvious expedient. The power of a country can be expressed without travesty in the total of its population and the rate of increase; the power of a party in the number of its effective adherents on election day; the power of a committeeman in the number who will agree with him; one's power in a brawl in the number who

[3] H. T. Moore, "Innate Factors in Radicalism and Conservatism," *Jour. of Abnormal and Social Psychology*, Oct., 1925; F. H. Allport and D. A. Hartman, "Measurement and Motivation of Atypical Opinion in a Certain Group," *Amer. Pol. Sci. Rev.*, Nov., 1925; F. H. Allport and D. A. Hartman, "A Technique for the Measurement and Analysis of Public Opinion," *Amer. Jour. of Sociology*, July, 1926; Stuart A. Rice, "The Political Vote as a Frequency Distribution of Opinion," *Jour. of Amer. Statistical Assoc.*, March, 1924, and "Some Applications of Statistical Method to Political Research," *Amer. Pol. Sci. Rev.*, May, 1926.

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will back one. It is, moreover, possible, with President Moore, to map out the constellations of opinion within which certain beliefs fall along with their psychological concomitants; with Professors Allport and Thurstone, it is possible to arrange these beliefs from the most to the least emphatic according to some more or less objective system of grading; and hence it is possible to inspect the degree of probability that the numbers behind one expression of opinion can, in de Tocqueville's phrase,[4] "be collected around and amalgamated with" the interests behind another expression of social will. Three considerations, however, arise which appear to limit what can be done by taking "heads" or "votes"—the "will-unit"—as our unit of measurement. The number of individual units cannot explain behavior in a control situation arising from the possession of superior instruments (differing and seemingly incomparable, as different currencies of coins differ), e. g., munitions, money, or intelligence; or owing to greater intensity of individual determination; or owing to superior organization. Can these qualities be reduced to quantitative terms?

In this connection, the following reflections may be worthy of consideration. (i) Superior physical and material equipment, or superior intelligence in the human material, is part of that setting amid which the game of politics is played, whatever the factors involved. The political scientist is no more called upon to render an account of these physical and eugenic advantages, which he must leave to the geographer, as student of "man's attempt to command the earth,"[5] and to the biologist, than is the economist called upon to render an account of natural talent in pecuniary terms. It is clear that a country which lacks in its territory the substances from which high explosives are made or which lacks a general of genius stands at a disadvantage in the international contest for power.

[4] A. de Tocqueville, *Democracy in America* (ed. by Reeve), I, p. 226, quoted in A. N. Holcombe, *Political Parties of Today.*

[5] I. Bowman, "Memorandum on Pioneer Belts," *Annual Report, 1925, Division of Geology and Geography, National Research Council.*

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The uses, however, to which money or intelligence is put in exercising political influence are frequently capable of being reduced to quantitative terms, since money or intelligence are important politically, not in themselves but in terms of the numbers of those whom they may be counted on to sway. The British civil service is immensely influential in governmental policy because it is known to be indispensable. It is indispensable because it possesses certain knowledge which no cabinet can afford to disregard. Were it to do so, a chaotic situation would lead to revolt in which a revulsion of opinion, numerically registered at elections, would overthrow the government. Again, as Professor Holcombe points out, money counts, for party purposes, as much as numbers. But the influence of money shows itself either in a direct control over the employees of a trade or the consumers dependent on its prices, or over the controlling interests—and hence the employees and others concerned—in auxiliary trades, or indirectly over non-industrial persons influential because acting on behalf of the mass of the community or some part of it, or again indirectly by permitting the establishment of a party organization which consolidates voters. In brief, the monied interest is influential as being able to effect the equivalent under such or such conditions of what the independent expression of active will of a given number of persons would effect. If we were to wish to estimate the strength of the "armament interest," we should first inquire the number of employees of munition firms and naval dockyards, before turning to inquire into the condition of party chests and the accessions of voting strength to be expected from such or such a "dose" of money. In brief, the differences between men's positions, which makes the will of one weightier than, and incomparable with, the will of another, is frequently capable of being expressed in terms of the numbers of those under the influence of the first will, an influence often susceptible of observation and quantitative test. In a condition of industrial democracy, support or non-support of industrial interests would be registered in voting terms. As it is, our attention is directed to the measurement of the number of wills con-

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trolled by this or that money-holding interest and the fashion of their distribution.

(ii) Similarly, intensity of feeling can be submitted to an objective test, in so far as it expresses itself as persistence of willing. Here the question becomes one of discovering in how many succeeding situations the will is found directed toward the same objects. When the attainment of this object involves more than the relationship of two individuals, it is possible to detect in how many successive groups, a, a′, a″, the individual is to be found ranged in the same party alignment. Our attention is directed to the subject of the cohesiveness of the group, on which Professor Stuart Rice has contributed a valuable study, and our problem becomes a part of the general one of social organization.

(iii) Organization itself, however, that is the intensive, as alternative to the extensive, building up of power to meet units of resistance, admits of quantitative measurement, since the objective demonstration of good organization is: (a) holding together in succeeding tests of the organization, until its common purpose is accomplished, and (b) the accomplishment of this purpose by gaining the support of those in the critical control positions, support which, e. g., in the party system, often has its numerical coëfficient. A given interest, that is to say, may control so many votes; it requires so many votes to get this man "out" or another "in"; given the American political structure, so many votes in Ohio are worth so many in South Carolina, and so forth.

As touching (a), in assessing the strength of any organization it is necessary to measure the degree of erosion resulting from the falling away of those who are nominal members of the group, but active members only in terms of some common interest other than that emphasized in the particular crisis. In every group lurks the distinction between the controlling and coördinated active members and the passive, uninterested, and (at least in this context) controlled members; the intensive strength of the group lies in the high ratio (however produced) of the former to the latter. A crisis shakes the equilibrium of the compound and causes those units which are neither actively attached nor efficiently controlled to break off on an independent course and, possibly, actively attach

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themselves to the opposing group contesting control in the particular issue. The test of organization is the man power, the quantity, of the active members which will, in a crisis, stand together as distinct from the inactive (e. g., non-voters) and the detachable (e. g., voting turnover). The whole art of political generalship and of statecraft in organization and propaganda only leads up to putting the larger forces (or, more exactly, the persistently larger forces) into the field at the critical moment.

Statistics, then, of population in gross and according to types which will act as "groups" in relation to each other owing to the social structure of the country, and statistics of voting and non-voting, not only on governmental issues but also on other issues involving a clash of wills (since political conflicts may be theoretically solved in the realm of ideas but are created and practically adjusted in the realm of will), are obviously relevant to political study. The technique is only just beginning of securing a quantitative scale whereby to measure the active membership of groups, or of studying the figures of consistent action of individuals and groups over a period of time, or the figures of turnover of votes from one party to the other, indicating the extent of the detachable fringe, and hence the "stability of the social compound."

It has yet to be seen whether the vote as an expression of will and declaration of support, artificial though it may be as a substitute for the brute exercise of force, may serve in politics the same measuring function which in economics is served by that sophisticated form of barter by arbitrary tokens—money. It is perhaps encouraging that the estimation of the strength of opinions (as distinct from their logic and in lieu of partisan opinion about opinion) by snap votes on any and every subject is a method increasingly popular. It is, however, necessary that, whatever measure of the magnitude of political or control acts is taken, it shall be so chosen that all these acts are alike reducible to terms of it. If we study propaganda, we shall not feel our study complete until we have asked, "How many did this propaganda influence?—Precisely how far was the distribution of power changed by it?" The unit of measurement must be directly

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related to the common factor in control situations, the express exercise of power.

Units of behavior in terms of, for example, physiological reactions to stimuli, such as speed of response to various types of command, although they may be quite valuable as contributions to physiology or psychology, or of physiologist or psychologist in some limited portion of the political field, would be quite inapplicable to other political phenomena. Less purely physical behavior responses seem to be even less reducible to pragmatically similar units. The "will-unit relationship" has at least the merit of being intelligible in terms of the vote and common to the whole field. Too much reliance in practice must not at present be placed upon measurement, but it is at least essential to recognize its theoretical importance, the significance of attempts to measure where possible, and the desirability that political science shall work with numbers, with a unit, and with a well-chosen and fundamental unit.

"And what good came of it all at last?" quoth little Peterkin. More is needed than a "glorious victory" of formal definition and barren dialectic. The practical value of definition lies in clearing the ground of an undergrowth of what is, for the immediate purpose, irrelevant and an impediment to scientific advance. It is hoped (a) that a delimitation has been provided of the field of politics which distinguishes it in accordance with some fundamental principle, i. e., the nature of the simple political act, from other social sciences; (b) that attention has been called to the importance of the study of "political physiology," that is, of the more permanent (because better supported and more entirely willed) social structure, built up and maintained by innumerable similarly directed political acts—and hence to the significance of studies on, e. g., intermarriage between groups,[6] population stability and emigration, impediments to labor in moving up the industrial scale, studies of destitution, and like attempts to diagnose the condition for which scientific legislation prescribes; (c) that

[6] It is understood that Professor Carr Saunders, of the University of Liverpool, is undertaking an investigation of this subject.

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attention has been called to the importance of the study of political dynamics, of the fluctuations in power of parties and groups, and to the importance of expressing these fluctuations in standard and quantitative terms, measured by some standard unit of support. It is suggested, as a program, that political studies should be directed to examining, by some objective and quantitative method, and to analyzing the fluctuations of opinion, expressed in terms of will and support, operative within the limits laid down by the physical environment and the social structure—an undertaking which would involve the collection and study of election and similar figures on an hitherto unprecedented scale; to examining objectively and naturalistically that social structure itself; and to examining the human methods recurrently adopted of "making good" the active wills of men, whether the more permanent methods expressed in structural form—as, for example, the ever-recurrent methods of war and law—or the less fundamental but almost as constant expedients, such as those of party management.

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THE POLITICAL AND SOCIAL THEORY OF MICHAEL BAKUNIN[1]

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In the course of the nineteenth century the breach between the Russian government and the intelligentsia grew steadily wider, until it would scarcely have been credible that the relations between them had once been those of patron and client. This had been in the brighter and more hopeful days of enlightened despotism, under Catherine II, and in some measure also under Alexander I. Now, however, other men were ruling, still despotic but no longer enlightened. The consequence was that the less tractable of the intellectuals became either voluntary or compulsory exiles. Much of nineteenth-century Russian history centers about these exiles, who huddled together in colonies wherever

[1] A bibliography of considerable proportions has accumulated about Bakunin. Much of it, however, is widely scattered in various obscure journals and is not easily available. Much of it, too, has only the incidental value and interest which attach to occasional and controversial writing. For a fairly full statement of earlier bibliography, one may well consult the section on Bakunin in Nettlau's *Bibliographie de L'Anarchie* (Brussels, 1897). Nettlau is also the author of the most complete biography of Bakunin, published in London, the three volumes appearing between 1896 and 1900. Reference to later bibliography will be found in De Préaudeau's *Michel Bakunine* (Paris, 1912). Other briefer biographies of Bakunin appear in Steklow's *Michel Bakunine, ein Lebensbild* (Stuttgart, 1913); Dragomanov's *Michail Bakunin's Briefwechsel mit Herzen und Ogaref*, translated from the Russian (Stuttgart, 1896); and the second volume of Guillaume's edition of *Oeuvres de Bakunine* (Paris, 1907). Bakunin's doctrines are briefly expounded in Eltzbacher's *L'Anarchisme* (Paris, 1923, translated from the German original of 1900), and in Bertrand Russell's *Proposed Roads to Freedom* (New York, 1919).

Bakunin's own writings appeared only as tracts for the times or as articles in obscure and short-lived journals. For the most part, they have been brought together and made available in the excellent six-volume edition prepared by Nettlau and Guillaume (Paris, 1895–1913). Since 1921 there has also appeared the first volume of Bakunin's collected works, in German and Russian versions. Of the many papers contained in the *Works* only two require special mention: (1) *Fédéralisme, Socialisme, Anti-Théologisme*, appearing first in 1867, and (2) what Bakunin himself called his *magnum opus, L'Empire Knouto-Gérmanique et la Révolution Sociale*, written in the years during which the new Germany defeated France and completed her unification. The latter is not, in fact, a single work, but rather a composite of, in the main, unfinished fragments, of which *Dieu et État* is probably the best known.

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they were tolerated: in Zurich, in Paris, and in London. They constituted the principal bond, both physical and cultural, between Russia and the western world.

By tradition and training these exiles possessed a bent for cosmopolitan living; in their mental equipment they were decidedly eclectic. Now more than ever they were exposed to the diversity of intellectual influences in which western Europe was more than commonly rich in this post-revolutionary period. Detached from their own foundations, they yielded themselves the more readily to the new currents of thought. Hegelianism, Darwinism, positivism, socialism—wave after wave of "isms" passed over them. They absorbed something of each and tried to make a blending of all.

International eclecticism never altogether submerged the ardent nationalism of these intellectuals. Even the exiles remained at bottom intensely and thoroughly Russian; they herded together, drank tea out of an endless succession of tall glasses, and disputed among themselves with eager as well as futile heat. The topic of discussion was always the salvation of Russia. Their eyes were turned with a steady and constant longing toward the east; in a continuous line of descent, from Herzen and Ogarev to Lenin and Breshkovskaya, they lived in the hope that they might some day return to Russia and help make her free and presumably happy.

A characteristic product of this combination of present distress and future expectation, of ready susceptibility to foreign influence and of versatile capacity for dreaming vain dreams, was Michael Bakunin. Born in 1814, he lived sixty-two years, of which only the first twenty-six were spent in tolerable peace and comfort as the son of a retired diplomat, and as a student, first of artillery, then of philosophy, at St. Petersburg and at Moscow.[2] Thereafter his life was that of a perpetual exile, one of restless and almost endless roving from place to place, until he found his last rest in Switzerland in 1876.[3] It was his experience to be twice sentenced to death, by the governments of two different countries, and to spend the best ten years of his life, from 1851 to 1861, in

[2] *Oeuvres de Bakunin*, Vol. II (1907), pp. v ff.
[3] *Ibid.*, p. LX.

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Russian prisons and in Siberia.[4] He made exile his profession, and more than all of his fellow-fugitives he succeeded in divesting himself of his purely Russian national character. He became most completely absorbed in the current of nineteenth-century internationalism, and he throve on his exile's existence. Behind the Dresden barricades in 1848, in the underground, conspiratorial agitation in the Naples of the sixties, at Lyons as the would-be fomenter of revolution in 1870—he was at home everywhere and always in the lead.[5] Bakunin was a universal revolutionist, the living embodiment, as it were, of the new internationalism. Less theoretical and more passionate than Marx, he crossed swords with the latter on something like equal terms,[6] and his is the unenviable distinction of being at once the spiritual and the intellectual sponsor of French syndicalism, Italian and Spanish anarchism, and Russian terrorism or *parlefaitisme*.[7]

Paradoxically enough, the philosophical anarchist, who detested on principle all exercise of authority as something vicious and degrading, was himself an incessant organizer, a relentless driver of men, and a good deal of an autocrat.[8] Bakunin's nature was titanic, vehement, and passionate, lusting to destroy in order that it might rebuild. "Die Lust der Zerstörung ist zugleich eine schaffende Lust," he had written as early as 1842.[9] Those who came into contact with him were either attracted or repelled, but all were fascinated.[10] Of Bakunin the rebel and the iconoclast,

[4] *Ibid.*, p. XXIV. The two countries were Saxony and Austria, the one surrendering him to the other, and the latter finally giving him up to Russia.

[5] *Ibid.*, II, pp. XVII, XXX, XLIII.

[6] *Ibid.*, pp. XI, LV. Cf. Brupbacher, *Marx und Bakunin* (Munich, 1914).

[7] Eltzbacher, *L'Anarchisme* (Paris, 1923), pp. 158 ff.; Golovin, *Der Russische Nihilismus*.

[8] Dragomanow, *Briewechsel mit Herzen und Ogarev*, p. LXX. Cf. Herzen's description of Bakunin's rather exasperating activity: "Er debattierte, predigte, kommandierte, schrie, fasste Beschlusse, organisierte, und ermunterte den ganzen Tag, die ganze Nacht, alle 24 Stunden."

[9] *Oeuvres* II, p. VIII. The rest of the quotation follows: "Lasst uns also dem ewigen Geiste vertrauen, der nur deshalb zerstört . . . . , weil er der . . . . ewig schaffende Quelle des Lebens ist."

[10] Dragomanow, *op. cit.*, XLVI. Quoting an opinion of Bakunin by one of the leaders in the revolution of 1848: "Quel Homme! Quel Homme! on the first day of the revolution he is simply a treasure; but on the second day there is no way out but to shoot him."

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there has been both virulent criticism and unconsidered praise;[11] The actual content and character of his political philosophy remain to be dispassionately analyzed.

Intellectually, Bakunin was not a lonesome and solitary figure, without ancestry and without ties. On the contrary, nothing could be more typical of the many-sided nineteenth century than his philosophy, which was the synthetic product of a synthetic age. Bakunin had much more in common with Herbert Spencer, for example, than would at first thought seem possible; they were contemporaries in spirit as well as in mere accident of birth. Darwin was the intellectual ancestor of both; neither quite understood him, or, to be more just, each understood him only just enough to supply the needs of his own theories.

Like Cousin, whom he once charged with the sin of eclecticism, Bakunin was not an original thinker. He gathered up in himself the various intellectual influences of his time, blending them into something which was not exactly his, albeit it also was no one's else. Even before he left Russia, he was drawn into the current of Hegelian thought.[12] The Hegelian concept of continuous development received the added sanction of science in the form of the Darwinian theory of evolution, and this became the *leitmotif* of Bakunin's philosophy, in which were also present all the other stock ideas of the period. The positivism of Comte provided the necessary sociological flavoring, while his close association during many years with Proudhon brought him into contact with a fully-formed theory of socialism, from which his own philosophy would seem to have been borrowed in all of its essentials.[13] In all justice to Bakunin, it should be remembered that this mixture of strange elements took place in the crucible of Bakunin's tempestuous nature; hence came the dangerous explosiveness and what

[11] For an unintelligent and blindly hostile judgment, see E. de Lavelye, "L'Apôtre de la Déstruction Universelle," *Revue des Deux Mondes*, June, 1880. For a more or less unfriendly impression, see A. Matthey, in *La Nouvelle Revue*, August, 1891.

[12] *Oeuvres*, II, p. vi.

[13] *Ibid.*, II, p. xi; Eltzbacher, *op. cit.*, 158 ff. Cf. *Socialisme, Féderalisme, Anti-Théologisme, Oeuvres*, I, *passim*. Also *Oeuvres*, V, p. 236: "Je lis tantôt Proudhon, tantôt Comte, et je médite."

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cohesion the final product possessed. Bakunin's philosophy was essentially the old metaphysics, fused with the new science, and fired with the spirit of revolution.

In Bakunin's writings it is difficult to discover an orderly, closely argued system of thought. He was a prolific writer, but his manner and purpose were always those of the pamphleteer and of the propagandist, hurried and eloquent, but never deep or thorough. Such works as were published in his lifetime were in the nature of tracts for the times. They were occasional and controversial; for chronic financial distress and the close supervision of barely tolerant governments virtually forbade the publication of anything which did not serve a more or less immediate and quasi-practical purpose. A great many writings Bakunin began only to set them aside under the pressure of other work, and many he never returned to. The course of events and his ambitious and restless temperament moved more rapidly than his pen could follow. His compositions are consequently a mass of fragments. His most comprehensive work, *L'Empire Knouto-Gérmanique et la Révolution Sociale*, which was to have been "his first and last book, his testament . . . . a pathological study of present-day Europe . . . . instructive to all . . . . men in the future," was begun in the heat of the Franco-Prussian war of 1870.[14] He returned to it on several occasions in the years that followed, always beginning afresh; the final product is a queer jumble of fragments, which make up no coherent whole except in the accident of a single title. In a letter to Herzen, Bakunin once confessed that he had not "the talent of the literary architect;" after he had built the house, some one was needed "to arrange the windows and doors in a proper manner."[15] No one who so much as dips into Bakunin will question the truth of this bit of self-criticism.

Critique of the Despotic State

Bakunin's approach to the fundamental problem of political theory has at least the merit of being unmistakably clear. What

[14] *Oeuvres*, II, 280; III, p. ix. Cf. II, 271 ff., the editor's *Avant-Propos*, in which are traced the process and the methods of Bakunin's composition of this work.

[15] *Ibid.*, II, p. 8.

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is the state, and what is its *raison d'être*? He minces no words in rejecting the state as an unnecessary and undesirable evil. In elaborating this idea, he descends to much that is merely abusive, and yet his service is considerable. For he raises and subjects to daring criticism the question of what principles ultimately underlie the state and human society generally. This is, after all, the age-old question with which Plato and Aristotle and their many disciples had usually begun their consideration of politics. Bakunin's performance was the more useful because, on the whole, it was counter to the tradition current in his time. In the nineteenth century men were rather inclined to take the state for granted; it was perhaps regarded as an evil, in the Utilitarian sense, but it was indispensable. The idea of the legalistic and sovereign state then enjoyed virtual dominance in the field of political theory. In rejecting the validity of this basic premise, Bakunin locked horns with the very essence of nineteenth-century political philosophy. One may question whether Bakunin was a political philosopher at all, in any but the most negative sense; but even the negative doubter and the iconoclast are useful, if only because they stimulate a reinvestigation of what has traditionally come to be regarded as fundamental. Whatever the merits of his particular contribution, Bakunin belongs with those who have inquired, each one beginning afresh, into the nature of the state and into the methods by which human society might be made more nearly to approximate the ideal and perfect condition.

Bakunin seeks out the vital principle in the state; having found it, he condemns it; then he would proceed to destroy the organism which is built upon it. What he discovers is the principle of political authority. Whatever its particular form, the state embodies the complementary relations of ruling and obeying. Somewhere within it reside the power and the possibility of coercion; at some time or other it might or must be employed. And this was for Bakunin the source of what is evil in the state; it was, in fact, the source of all evil. Bakunin's critical method and language were often more theological than he would have cared to admit. Compulsion of any kind was to him the very negation

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of the fundamental nature of man.[16] Only when man has attained to a full realization of human equality and of human dignity can he become most himself. "If there has ever been a devil in human history, it is the principle of command."[17]

Bakunin could not altogether deny the existence of this principle as a practical fact. He admits that it has a psychological, and even a physiological, basis in life. To explain it away he is drawn into a somewhat hurried and rather superficial survey of human institutions. Like so much else in his philosophy, this survey betrays the influence of half-digested and badly misused Darwinianism. In all men there is latent the instinct to dominate others; it has its source in the first law of all life, the struggle for existence. Among men the instinct has assumed a variety of forms at successive stages in their development. First came cannibalism, then slavery, and after that serfdom; today the instinct finds expression in the dual forms of economic exploitation and political domination.[18] It is evident, therefore, that there has been a process of gradual improvement, although at bottom the impulse to dominate others has remained constant. It is no better than "a carnivorous instinct, altogether bestial, and altogether savage."[19]

Could a principle originally so vicious do other than vitiate any institution which rested upon it? Together with the stupidity and ignorance of the men who have tolerated it, it has, in fact, been responsible "for all the ills, all the crimes, and all the shame of human history." Bakunin draws a sharp line of division between the governors and the governed in the state. Regardless of its specific form of organization, every state consists essentially of those who govern and of those who submit to being governed.

[16] "L'Etat est donc la négation la plus flagrante, la plus cynique, et la plus complète de l'humanité." *Oeuvres*, I, 150.

[17] *Ibid.*, VI, 17. For Bakunin's treatment of the broad problem of authority cf. *post*. "S'il est un diable dans toute l'histoire humaine, c'est ce principe du commandment."

[18] "Cette lutte entre les hommes a commencé par l'anthropophagie, puis continuant à travers les siècles . . . . elle a passé successivement . . . . par toutes les formes de l'esclavage et du servage. Aujourd'hui elle se produit sous le double aspect de l'exploitation du travail et de l'oppression politique . . . . de l'état . . . . ."

[19] *Oeuvres*, VI, 17.

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And government is inherently selfish; it is carried on in the interest of those who govern. Even with the best of intentions, government is ineffective and incapable of accomplishing good. For, in its concrete sense, government is simplified and concentrated authority; and how can the few who govern comprehend, and undertake to satisfy, did they wish to do so, the aspirations and the needs of a complex community?[20] For Bakunin the fact that in the last resort all states must rest upon force was of greater significance than the possibility that states might vary in form, ranging from rank despotism to approximately complete democracy. He would admit of no differences of degree, not even in evil; in the last analysis, all states are alike, and liberty and authority are irreconcilable. "The state means domination."[21]

Bakunin rides rough-shod over all theories of liberal and democratic government. In his less consistent moments he, indeed, professed great reverence for the traditions of the French Revolution; he was capable of enthusiasm over America as the "home of liberty."[22] But his conception of the evil state demanded the relentless rejection of any such palliative as democracy. Despotism is not so much a form of government as the very essence of the state.[23] Hence liberalism and democracy are only deceptive fictions; at best they are the illusory dreams of the bourgeoisie. So firmly convinced is he of this that he thinks it scarcely necessary to analyze the theory and the machinery of representative democracy in order to show why and how it falls short of being satisfactory. This is only one of his many sins of omission, which equal, if they do not surpass, his sins of commission.

[20] *Oeuvres*, IV, 474, where appears what is probably Bakunin's fullest definition of the state: "L'état c'est le gouvernment de haut en bas d'une immense quantité d'hommes très divers au point de vue du degré de leur culture, de leur position, de leurs occupations . . . . de leurs aspirations, par une minorité quelconque. Cette minorité, mille fois elue par le suffrage universel . . . . il est impossible qu'elle puisse connaître, prévoir, ni satisfaire . . . . aux intérêts les plus légitimes, les plus pressants de tout le monde."

[21] *Ibid.*, II, 326.

[22] *Ibid.*, I, 33. Of America Bakunin wrote that in less than a century "elle a pu atteindre et même dépasser la civilization de l'Europe." *Ibid.*, 28.

[23] *Ibid.*, II, 327.

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Bakunin would have answered such criticism by saying that he ignored surface appearances for the sake of the more fundamental things. His was the economic approach, resting, of course, on the theory of the class struggle. What is democracy but a sorry farce in a society in which some men have a great deal and in which most men have nothing? Bakunin's vehement feeling in this matter obscured his vision, and on this point he wrote more nonsense than sense. But his introduction of the economic factor is not without significance. Already Aristotle had understood that government is not simply a function of state divorced from the general life of the community and performed by some non-partisan and almost non-human philosopher king. He had assumed that a man could not be a citizen without adequate leisure, and leisure again demanded a certain measure of economic security. It was the chief merit of the Greek thinkers that they merged the man in the citizen, although to achieve this result ideally they were compelled to resort to the theory of a natural aristocracy as an escape from reality.

This expedient was distasteful to Bakunin, and unacceptable, broadly speaking, to the contemporary mind. Like the Greeks, though with different purpose, Bakunin seized upon the vital correlation between politics and economics. With less charity than might properly have been shown for good intentions defeated by the weakness of human nature, he pointed a forbidding finger at certain undeniable facts. The bourgeoisie boast of a platonic affection for republicanism; they idealize liberty. How does this accord with the economic despotism of the few over the many? The chief concern of the bourgeoisie has always been security, and the preservation of the sacred props of society. Their first desire has always been, not to make the republic free, but to make it strong, in order to preserve property. For the sake of security they have sacrificed all their liberty and have even accepted despotism.[24] When Bakunin wrote this, the Second Napoleonic Empire had just collapsed. He wrote with vivid and bitter recollection of the reaction which had followed the revolu-

[24] *Oeuvres*, II, 296, 327.

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tion of 1848; he remembered that in 1848 the French bourgeoisie had submitted to a cæsarean dictatorship, so anxious had they been to raise a bulwark against the tide of socialism and of radical democracy.

Bakunin consequently regarded the state as the accomplice and the instrument of an economically dominant class.[25] This will continue to be true even in the so-called *Volkstaat* of the Marxian prophecy. After a brief spell of supposed freedom, the citizens of the new state will emerge from their delusion; they will soon discover that they have become "the slaves, playthings, and the victims of a new group of ambitious men.[26] More comprehensive in scope and wider in its activities, the *Volkstaat* will only be the more oppressive. It will mean "the rule of scientific men, the most aristocratic, the most despotic, the most arrogant . . . . of all possible régimes."[27]

Bakunin nowhere offers an adequate explanation of the origin of the state. Such explanation as he gives is analytical rather than historical; it is perhaps consistent with his general philosophy, but scarcely consonant with the probable facts. In this respect Bakunin belongs to the unhistorical eighteenth century rather than to the nineteenth. Briefly, according to Bakunin, the state came to be when the "ambition first of certain individuals, then of certain social classes, raised slavery and conquest to the level of a fundamental principle."[28] Elsewhere he adds, "brutal slavery was thereby converted into legal slavery. . . . ."[29] But men by nature crave to sanctify their own handiwork, and they have, therefore, invented a moral and religious sanction for the

[25] "L'État politique n'ayant d'autre mission que de protéger l'exploitation du travail populaire par les classes économiques privilégiées, le pouvoir de l'état ne peut être compatible qu'avec la liberté exclusive de ces classes dont il représente les intérêts." *Oeuvres*, II, 311, 326.

[26] *Ibid.*, IV, 375.

[27] "Ce sera le règne de l'intélligence scientifique, le plus aristocratique, le plus despotique . . . . et le plus arrogant de tous les régimes. Il y aura une nouvelle classe . . . . , et le monde se partagera en une minorité dominante au nom de la science et une immense majorité ignorante." *Oeuvres*, IV, 477.

[28] *Ibid.*, IV, 271.

[29] *Ibid.*, I, 287.

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state.[30] Even Rousseau and Robespierre had to create a Supreme Being in order to endow their state with the necessary divine sanction.[31] As if this were not enough, Rousseau raised in the social contract a still more imposing idol for men to worship. Because of this, he has become the author of all modern reaction and "the source of the pitiless despotism of the modern state."[32]

Against the doctrine of the social contract, Bakunin directed some of his most effective criticism. It was more virulent than was necessary, because he regarded the contract theory as being at the bottom of the whole evil against which he was chiefly rebelling. He condemned it as the most absurd fiction imaginable. In effect it surrendered the fort without a blow in defense, for by implication the state was admitted to be an artificial creation. By nature men are born free, and yet everywhere they consent to chains. Bakunin missed altogether the point of Rousseau's celebrated *dictum;* he persisted in reading it literally, and consequently failed to comprehend the problem which it suggested to Rousseau: why do men on the whole submit to authority? Bakunin simply asked why it was that, if men are by nature good, they should be unable to enjoy their natural freedom. If it was because they degenerated and became too wicked to continue in the enjoyment of it, then how could they be so intelligent as to foresee the advantages of the contract and so energetic as to achieve it?[33] In any event, the contract state is the outcome of a universal sacrifice of liberty. "It is the sum-total of individual sacrifices."[34] For one who values liberty above all other things, the state is consequently the very negation of liberty.[35]

[30] "L'état c'est la force, et il a pour lui . . . . l'argumentation du fusil-à-aguille . . . . Mais l'homme est si singulièrement fait que cette argumentation ne lui suffit pas. Pour lui imposer le respect, il lui faut absolument une sanction morale. . . . ." *Oeuvres,* III, 127.

[31] *Ibid.,* III, 62 f; 128.

[32] *Ibid.,* III, 121. In another place (V, 319) Bakunin describes Rousseau, whom of all men he most disliked, as "l'écrivain le plus malfaisant du siècle passé! Le sophiste qui a inspiré tous les révolutionnaires bourgeois."

[33] *Ibid.,* I, 147; IV, 265.

[34] *Ibid.,* IV, 265.

[35] *Ibid.,* I, 150; IV, 54; 473.

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The theory of the contract state is worse than a mere fiction; it is productive of pernicious results. By it the state is set up as the supreme end of all existence, and it is exempted from all moral considerations. It sanctions the immoral state, in which patriotism is regarded as the highest virtue. In the name of this fiction all war is made sacred, and the worst offences are justified by the end which they serve. "It becomes the most cynical and the most flagrant negation of the ideal of humanity."[36] In the name of the non-existent general will, the state sacrifices the interests and the aspirations of individual men and women.[37]

Bakunin scornfully exposed the cant which the doctrine of the social contract contained. It undertook to make man more free by depriving him of the freedom which was his at the outset. The inconsistency of this was as glaring as it was insincere. The medieval monk had dared to be more consistent. Believing also that originally man had been completely free and his soul immortal and self-sufficient, though since fallen into sin, he had dared to abandon social life as something futile and hampering. He had sought wholly to identify himself with the source of all things in order thereby to recover his original freedom. But the latter-day advocates of the theory of original freedom demand the surrender of every last remnant of that freedom. This is, in truth, "a sort of sacrifice of . . . . the independence of the soul for the sake of the contemptible things of the flesh. . . . ."[38]

Theory of the Natural Society

By implication, Bakunin's criticism of Rousseau was directed against the states of Europe as he knew them; the passion which warmed it and gave it life derived from his hatred of those states.

[36] *Oeuvres*, IV, 54. "Sa morale à lui c'est . . . . l'intérêt de sa conservation et de sa toute-puissance. L'État est la négation même de l'Humanité. Il n'y a pas et il ne peut y avoir d'état bon, juste, verteux." Cf. IV, 472–73. "Cette morale s'appelle la patriotisme. . . . . Tout ce qui lui est favorable . . . . est bon; tout ce qui lui est contraire, fût-ce la chose la plus humaine du monde, est mauvais."

[37] *Ibid.*, I, 224. "L'état est un immense cimitière où viennent se sacrifier, mourir, s'enterrer toutes les manifestations de la vie individuelle et locale et tous les intérêts des parties dont l'ensemble constitue précisement la société." Cf. also IV, 265.

[38] *Ibid.*, I, 276.

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He had been in frequent collision with them, and he had good cause to dislike them. They were the states whose principal function was the policing of the land and the suppression of the faintest gesture of popular resistance. First, and worst of all, was Russia, which had banished him for life to Siberia; then Prussia, Saxony, and Austria, each of which had in turn hounded him, until the last two had ended by sentencing him to death and eventually surrendering him to Russia; lastly, even France, of revolutionary memory, which under Napoleon III had expelled him at Russia's bidding. His rebellion against the state, was, therefore, as much personal and real as it was theoretical. What he was above all anxious to do was to turn men's minds from their exclusive devotion to the state, and, instead, to engage their interest in human society. To make certain of achieving this end, Bakunin went so far as to dispense with the state altogether, by which he ordinarily meant the government, or the authoritative part of society. With more than the philosophical zeal of Plato, and almost in a strain of religious fervor, he undertook to restore human relations to their natural, and hence their ideal, basis.

Bakunin's principal quarrel with Rousseau was in the disregard by the latter of the "sociability of human nature." For Rousseau, human society was merely "a mechanical and purely artificial aggregate of individuals;" it was submerged in the state, which in turn was called into existence by the cumulative agreement of many wills.[39] Rousseau would not accept man as he actually is, but he must have him transformed into the citizen of a particular state.[40] Bakunin discerned here an analogy between Rousseau's philosophy and traditional theology. According to the latter also, man's salvation is not to be in this life, and as man, but in after life and as something other than man. Both are alike false. "Man does not create society by an act of will. He is

[39] *Oeuvres*, IV, 265. The following is not an inapt summary of the contract theory. "Méconnaissant la sociabilité de la nature humaine, la métaphysique regardait la société comme un agrégat mécanique et purement artificial d'individus, associés tout à coup, au nom d'un traité quelconque. . . . ."

[40] "Qui dit état, dit un état et qui dit un état, affirme par là l'éxistence de plusieurs états. . . . ." *Ibid.*, IV. 472–73.

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a social animal in the supreme sense; he does not in fact become man, a thinking, talking . . . . animal, save in society."[41] This is, of course, excellent Aristotelianism; but, where Aristotle had identified society with the state, Bakunin carried the contrast between them quite to the point of exaggeration.[42] The state is merely a transitory phenomenon, something which momentarily disfigures society; it has not the "fatal and immutable character of society."[43] Bakunin here parted company with Aristotle. Where for the latter states were many and multiform, each one in its degree a natural reflection of man's needs, for Bakunin there was but one society, and it was the society of all mankind. "Society proper is the natural mode of existence of collective humanity independent of all control."[44]

Although Bakunin detested the unreal and metaphysical politics of what he regarded as the pre-scientific age, it is not at all clear that he was himself so very different. Certainly he was not as acute in his observations as Aristotle, or even as Rousseau, had been; his conclusions lack that core of inductive reality which distinguishes those of Aristotle. What is more, Bakunin had his own metaphysical axe to grind. He was a disciple of Hegel and a protagonist of the monistic philosophy. His chief objection to all earlier monistic philosophers was that they were not really monists. By separating spirit from matter they had ended as dualists.[45]

Only such as frankly accepted materialism were capable of conceiving without contradiction the fundamental unity of the universe.[46] The evolutionary hypothesis alone made possible a consistent coördination of spirit and matter; it pointed the way

[41] *Oeuvres*, V, 319.
[42] *Ibid.*, I, 287. "L'état n'est pas la société. . . . ."
[43] *Ibid.*, I, 287.
[44] *Ibid.*, I, 141.
[45] *Ibid.*, III, 78 ff.; IV, 267.
[46] *Ibid.*, III, 215. Bakunin is quite lyrical on this subject. He contends that he is waging war on theology and not on true religion, which has its source "dans la vie animale. Elle est l'expression directe de la dépendance absolue dans laquelle toutes les choses, tous les êtres qui existent . . . . se trouvent vis-a-vis du *grand tout*, de la nature, de l'infinie "*totalité*."

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to an easy transition from the one to the other.[47] Man has risen from the lower level of animal existence; he is "cousin to the gorilla." His history has been one of gradual emancipation. Man was born "bestial, ferocious, and a slave," and he has achieved a partial humanization through collective effort. He is unthinkable without society, "which is necessarily anterior to the birth of his thought, of his speech, and of his will. . . . ." Without society "man would have remained a savage beast, or he might have become a saint . . . . ," but he would never have been man.[48] "He is born into society as an ant is born into its ant-hill and as the bee into its hive. . . . . Society is as eternal as nature herself, and revolt against it is as impossible as it would be to rebel against nature."[49] It is futile to inquire whether society is good or bad; like nature, it is above such distinctions.[50] Bakunin comes dangerously close to accepting Hegel's dictum that what is must be and is, therefore, right.

Bakunin escaped this dilemma by shifting his emphasis from what was the actual condition of human society to what ideally it should be. This is once more proof of his fundamental kinship with the metaphysics which he pretended so roundly to detest. For Bakunin held to a teleological conception of human life, believing implicitly in the principle of continuous progress. Man is marching slowly but deliberately toward a definite goal; ultimately he will achieve the highest good in store for him, and human society is the medium through which alone this may be done.[51] Behind man is his animality; ahead of him lies the hope of his complete humanity. History is the record of man's progress

[47] *Oeuvres*, III, 298. Only science can correct the dualism created by religion and restore unity. For the man of science "l'unité de l'univers ou de l'Être Réel est désormais un fait acquis."

[48] *Ibid.*, III, 37; I, 275 ff.

[49] *Ibid.*, I, 286.

[50] *Ibid.* "On peut donc aussi peu demander si la société est un bien ou un mal . . . . c'est plus que tout cela . . . . c'est un fait immense positif et primitif . . . . ."

[51] "Par conséquence, à chaque époque, l'homme doit chercher sa liberté non au début, mais à la fin de l'histoire, et l'on peut dire que l'émancipation réelle et compléte de chaque individu humain est le vrai, le grand but, la fin suprême de l'histoire." *Oeuvres*, I, 275.

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from the one to the other.[52] The obstacles are many; hence man's advance has been neither unbroken nor easy. One constant hindrance is the external environment, which man must learn to understand and to master. An even greater obstacle is man's own nature, so imperfect, and so intractable, physically, intellectually, and morally. But progress is nevertheless the fundamental law of nature.[53]

The highest good of man in society, according to Bakunin, is liberty: "the conquest and the realization of his human liberty."[54] For Bakunin the word liberty was packed with tremendous meaning. Not merely is it the end toward which man is advancing; it is also the vital principle underlying and animating all human existence. In this he reminds one of Aristotle, who also closely identified the final with the efficient cause. Liberty presents a double aspect. Negatively it is an instinct, "altogether primitive, even animal; one may find it in different degrees in every living thing." In man it is the instinct to rebel against all authority.[55] But human liberty has a more positive content; it consists in "the fullest development of all the material, intellectual, and moral capacities which are in every man."[56] It was Bakunin's boast that the liberty thus visualized was more ordered than the anarchic and pre-social right of each individual to do as he pleased, while it was also more real than the residue of liberties which remained with the individual after the creation of the contract state.

Bakunin's concept of liberty was scarcely original. Something of what he meant by it Plato and Aristotle must have thought was indispensable to the proper equipment of the citizen or guardian of their respective states; in a broad way it is contained in every modern definition of ideal democracy. But the Greeks,

[52] "Elle [history] consiste précisement dans la négation progressive de l'animalité première de l'homme par le développement de son humanité. . . . . Il marche aujourd'hui au conquête et à la réalization de sa liberté humaine." *Oeuvres*, III, 37. Cf. p. 93.

[53] *Ibid.*, III, 293.

[54] "Le progrès est . . . . la loi naturelle fondamentale et exclusivement inhérente à l'humaine société." *Ibid.*, III, 93.

[55] *Ibid.*, IV, 379.

[56] *Ibid.*, I, 282; IV, 249.

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Bakunin objected, had espoused the cause of narrow nationalism and of privileged aristocracy; they had failed to comprehend the idea of universal humanity. Christianity had indeed done this in some measure, and therein lies its great merit.[57] But real liberty is not something to be enjoyed in another life; nor is it merely the cherished possession of a privileged few. It is a social fact. It must be universal, and it must be shared by all men in equal degree. No man can be really free who does not acknowledge his kinship with his fellows. Liberty is, therefore, inclusive rather than exclusive, and, in the last analysis, it is synonymous with the dignity of man.[58] "The law of equality is the condition *sine qua non* of liberty and of humanity."[59]

A serious contradiction is inherent in Bakunin's definition of liberty. Man is a perpetual rebel against the slightest show of authority; and yet he is advancing toward the ultimate goal of social solidarity. Perhaps without realizing it, Bakunin brought to new life what is the central problem of political theory: how to reconcile individual liberty with the social obligation of obedience. Rousseau had recognized its existence, and the *Contrat Social* represents his heroic attempt to solve it. "Man is born free, and yet everywhere he is in chains." To this Bakunin would probably have retorted that in the first place man was not born free, and, secondly, that he was not, or rather, he should not be, in chains. Bakunin could not, however, altogether evade the problem of obedience, or ignore the antithesis of the individual and the social group. Destroy the state, which is the outward symbol of union, and what remains to hold the group together and to restrain the individual within proper bounds?

Bakunin's answer, if not adequate, was at least direct and to the point; it is not less paradoxical than the original question. Man is governed by the laws of nature; but in spite of the existence of this apparent curb, man's liberty remains intact. Bakunin's

[57] *Oeuvres*, I, 278; IV, 68.

[58] "La liberté n'est pas un fait d'isolement, mais de réflexion mutuelle, non d'exclusion, mais . . . . de liaison, la liberté de tout individu n'étant autre chose que la réflexion de son humanité ou de son droit humain dans la conscience de tous les hommes libres, ses frères, ses égaux." *Ibid.*, I, 271 f. Cf. V, 318; 321.

[59] *Ibid.*, III, 53.

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view of nature was not exactly that of the Roman lawyers or of the Christian Fathers, but he clearly followed the ancient tradition of the natural law. He differed from his predecessors principally in his refusal to accept as valid any law other than that of nature. He understood nature in the sense of the nineteenth century; his view of it was tinged with the glamour of science. Nature is the great, endless sequence of cause and effect.[60] Of this chain of causation man is so thoroughly a part that he can scarcely be separated from it. Man is within nature; he is indeed nature itself.[61] Consequently he is incapable of rebelling against it, and it is no reflection upon his liberty if he obeys the commands of nature. Such obedience is, in fact, of the very essence of man's liberty, for he is only obeying himself.[62] This is the key to Bakunin's distinction between natural law and all other law. Just as the universe has no legislator or maker outside of itself, so all true law has no maker; it is the inner essence, contained in and determining the action of every part of the universe.[63]

The supreme law of nature, Bakunin concedes, is the struggle for existence. "The strong survive, while the weak succumb, and they do so that the others might live."[64] Here is perhaps the most serious break in the continuity of Bakunin's logic. For, if man also is obedient to this law, what becomes of the ideal of social solidarity, toward which man is presumably advancing? Where is the difference between Bakunin's conception of liberty and the brutal anarchy which was the natural liberty of Hobbes's man? Bakunin is nothing if not ingenious in surmounting this obstacle, but his ingenuity cannot conceal the utter lack of consistency.

[60] *Oeuvres*, III, 216; 273 ff.

[61] *Ibid.*, 214.

[62] "La liberté de l'homme consiste uniquement en ceci, qu'il obéit aux lois naturelles, parce qu'il les a reconnus lui-même comme telles, et non parce qu'elles ont été extérieurement imposées par une volonté étrangère, ... collective ou individuelle." *Ibid.*, III, 51.

[63] "Une loi n'est réellement une loi naturelle que lorsqu'elle est absolument inhérente aux choses . . . . que lorsqu'elle constitue leur propriété . . . . Tous les lois qui émanent d'un législateur . . . . sont des lois despotiques . . . . ce ne sont des *lois*, mais des décrets." *Ibid.*, 233.

[64] *Ibid.*, III, 337.

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He is forced to abandon his original monistic approach and to commit what to him was the unforgivable sin of introducing dualism into his philosophical pattern. Man is endowed with the precious power of reasoning. As to whence it came and how man acquired it, we are not told; in Bakunin's scheme it plays the part of a *deus ex machina*, by means of which man is separated from the rest of the animal world.[65] With reason as a prior assumption, the rest is easy, and it becomes possible to reconcile natural liberty with a measure of obedience. By help of his reason man is penetrating the mysteries of nature, learning her laws, and increasing his mastery over his environment and over himself as well. By means of his reason man is fulfilling himself; ultimately he will achieve a complete understanding of the supreme law of sociability, which is the bond holding all men together.[66] He will learn that it is not a decree of God or man, but that it rests upon the mutual respect of one man for another and upon a sense of their common humanity.[67]

When this stage of human development has been reached, there will be no call for some men to command and no need for others to obey. Discipline will not be automatic and coercive, the degrading discipline of the state. It will be voluntary and spontaneous and intelligent; it will be self-discipline: "the voluntary and intelligent harmony of individual effort looking toward a common end."[68] There will be the usual divison of labor; there will be leaders, but no commanders. Some will rise above their fellows, "only to fall back, a moment after, returning, like the waves in the ocean, to the healthy level of equality. . . . ."[69]

[65] *Oeuvres*, III, 23. Bakunin conceives of three fundamental principles as underlying human society: *animalité humaine; la pensée; la révolte.* Corresponding to them are three principal influences in human life: *L'économie sociale et privée; la science; la liberté.* Cf. *Ibid.*, III, 274. The transformation of man into a thinking animal is described as follows: "Éclairé par la science et dirigé par la volonté abstractivement réfléchie de l'homme, le travail animal ou bien cette activité fatalement imposée à tous les êtres vivants . . . . se transforme . . . . par la conscience de l'homme en un travail savant et libre."

[66] *Ibid.*, III, 19 f, 71, 246.

[67] *Ibid.*, III, 23.

[68] *Ibid.*, II, 296 f.

[69] *Ibid.*, III, 297.

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Revolution and the New Society

At this point Bakunin's philosophy ceases to be an analysis and a criticism of the existing state and becomes instead a utopian prophecy. Its vision of the possibilities of human society soars so high that to attempt to follow it would soon leave one quite breathless. With the critic one may debate; with the prophet argument is gratuitous and futile. For the latter is above such earthly things as doubts and questionings. There remain therefore only two available courses: either to read on with a proper show of reverence and of apparent edification, or to close the book with a smile of superior and "know-better" cynicism at such faith in the goodness of man. For it is clear that Bakunin, in common with many whose kinship he would have repudiated, held to a belief in the perfectibility of all men. This was only one of his direct borrowings from the positivists. Bakunin, of course, employed the term "human nature" in a sense different from its every-day usage. Whereas it is often said that man is incapable of perfection just because he is so human, Bakunin would have replied that human nature is the goal toward which man is progressing, the end and not the beginning of his long journey.[70] Teleology is, therefore, a further bond between this advocate of anarchism and that metaphysics which he affected so strongly to detest.

Both the logic of his philosophical position and his tempestuous nature help to explain Bakunin's emphasis upon progress by change, and especially upon change by revolution.

Most men are instinctively rebellious, for is not man possessed by a veritable devil: "the impulse to liberty, the passion for equality, the holy instinct of revolt"?[71] Satan was, of course, Bakunin's favorite hero of mythology. He was the great emancipator, who, even according to the story in Genesis, freed Adam and Eve from the state of ignorance in which Jehovah would have kept them. He was "the spiritual head of all rebels, ... the real emancipator of man, ... the author of liberty."[72]

[70] "L'Humanité, en un mot, n'est autre chose que le développement dernier et suprême . . . . de l'animalité." *Oeuvres*, III, 19.

[71] *Ibid.*, II, 399.

[72] *Ibid.*, III, 20; II, 434.

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The impulse to rebellion is more intense in one people than in another; it cannot be measured by the degree of culture which a given people possesses. The Germans, for example, for all their pretensions to culture, are less influenced by it than the Slavs. Marx was wrong in predicting that the impending revolution would begin in the more highly developed countries. On the contrary, it will probably receive its first impulse from the southern peoples, but will soon become universal, and it will usher in a new age of human liberty. It will culminate in the establishment of the "Constitution of Humanity."[73] With optimistic assurance Bakunin undertook to predict the time and character of this last revolution. He placed too great reliance upon the International Association of Workers, which was in a state of deceptive prosperity in the late sixties, being, in point of fact, on the verge of collapse. "A few more years of peaceful growth," he wrote in 1869, "and the Association will become such a power that resistance will be out of the question. . . . . Without violence, justice will then be done."[74] If heads are broken, the blame will be on the bourgeoisie. The social revolution about to come will be neither sanguinary nor cruel, not merely because the movement will be too powerful to resist, but rather because the ordinary man is essentially kindly and humane. He has suffered too much to wish to inflict suffering on others. On the contrary, it is privilege which engenders hatred and fury, and these thrive on ignorance and stupidity.[75] The state is alone responsible for systematic and organized cruelty. "But in an intelligent and awakened society, jealous of its liberty . . . . even the most . . . . malevolent individuals become necessarily good. Such is the power of society, a thousand times greater than that of the strongest individual."[76]

[73] "Cette révolution viendra probablement du midi, et alors, cédant à la contagion générale, elle déchainera ses passions populaires et renversera d'un seul coup la domination de ses tyrans. . . . ." *Oeuvres*, II, 418 ff; IV, 379 ff.

[74] *Ibid.*, V, 46 ff.

[75] "La révolution, depuis qu'elle a revêtu le caractère socialiste a cessé d'être sanguinaire et cruel. Ce sont les classes privilégiées qui le sont . . . . Ordinairement il est bon et humain. Il souffre trop pour ne point compatir aux souffrants." *Ibid.*, III, 184.

[76] *Ibid.*, VI, 17 f.

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As to the character and actual appearance of the new post-revolutionary society, Bakunin was strangely uncommunicative. His inarticulateness is the more remarkable when it is considered that he looked for the revolution in the immediate future and that he perhaps expected to be the creator as well as the prophet of the new society. Like many another political philosopher, Bakunin had his own private utopia, but his description of it was rather vague and amorphous, resembling the society which he was envisaging. For the failure of the French Revolution he was able to account to his own satisfaction; it had fallen back upon authority and centralization. The new society must, therefore, dispense with the principle of the coercive state. In its place will arise a spontaneous and voluntary association of men for the sake of a fuller life. The basic principle will be federative, consisting in the fluid federation of individuals and of groups for the purpose of satisfying common desires and of fulfilling common ends. At the bottom of the scale will come local associations, serving primarily a functional purpose; these will band themselves together into larger bodies of an economic, intellectual, or artistic character, since community of interest is the best bond of union and the completest guarantee of peaceful and fruitful coöperation.[77]

Capping the entire structure, there will be a sort of United States of the World, symbolizing the unity of mankind. Bakunin admitted that this might be long in coming and that there might be much bloodshed and dissension preliminary to its establishment. In time, however, order must emerge. At first this development will be restricted to Europe and America; eventually organic fusion with a great "Africo-Asiatic amalgam" would follow.[78] Although describing what were presumably novel forms of organization, Bakunin was compelled to employ terms

[77] *Oeuvres*, I, 112; II, 57, 242; V, 75; VI, 345. Bakunin's formula for the organization of the future society appears nowhere very fully, but it is perhaps best put in the following passage: "Organization de la société par la libre fédération—de bas en haut—des associations, ouvrières, tant industrielles qu'agricoles, tant scientifiques qu'artistiques . . . . . dans la commune d'abord, fédération des communes dans les régions, des régions dans les nations, et des nations dans l'Internationalité Fraternelle. . . . ." VI, 396.

[78] *Ibid.*, II, 246, 347, 392.

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to which established usage had lent a definite connotation. *Commune, region, nation*: Bakunin: made no attempt to avoid these words, since he could not, in fact, altogether ignore the existence of geography. Indeed he even made a point of accepting local patriotism as a welcome feature of the new society, distinguishing merely between true and false patriotism. In every future federation the individuality of each component part will be preserved; true patriotism will survive, and more than ever before will it be productive of interesting and valuable diversity. The patriotism of the present-day state is not real, for the state, as a metaphysical and legalistic fiction, is not identical with what the people understand by *patrie*. It can scarcely command that deep and natural love which men have for their *patrie*. To them patriotism is not an intangible idea but a fact, meaning the "incontestable and sacred right of every man, of every group of men, ... of every commune, ... of every nation, to live, to think, ... and to act in their own way, and this way is always the outgrowth of a long process of historical evolution."[79]

Bakunin was much more explicit in dealing with the problem of education in the new society. He foresaw that man's untutored instinct would not suffice to maintain and to preserve the ideal society of the future. The trained intelligence of its component members must support it, and for this purpose education is of the utmost importance. Once more Bakunin suggests what is best in Greek political theory. The principal function of society is to educate its members, to develop their capacities, and to inculcate in them the rules of right conduct. Bakunin is all but committed to the Socratic concept of virtue as knowledge. Since man should obey only the laws of his own nature and those of his environment, and since no other form of compulsion is permissible, obviously man must learn to understand these laws. His education should consist in the right learning of these laws; presumably he would then be incapable of hindering their harmonious and effective operation both in himself and in society.

[79] *Oeuvres*, II, 349; VI, 382 ff.

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Education, in its broadest sense, is regarded both as the guide and as the impulse to right action.[80]

In the new society education would, of course, be principally concerned with science, for science is the chief glory of man's reason. It is the slow but deliberate conquest of the unknown and the terrifying. Bakunin was inclined to make a cult of science; he speaks of it as "our church," but one without pope, bishop, or priest.[81] He here betrays the influence of the extravagant enthusiasm of the nineteenth century over the new age of scientific miracles. But science had its practical side as well; it was the means of discovering the laws of nature, the knowledge of which would enable man to live properly. Because of this it was doubly important; and hence arose also the greatest menace to the survival of the new society.

There was danger that science might become the monopolistic possession of a new aristocracy. Bakunin was careful to point out that the masters of science had no right to arrogate authority to themselves because of their peculiar services. Scientists are merely experts, who will be preëminently indispensable to the new society; they are to be consulted and heeded as one would follow the advice of a shoemaker or of a tailor, each in his respective trade.[82] "The mission of science is to enlighten life, not to govern it."[83] As an added security against the possibility of an arrogant aristocracy of science, Bakunin proposed an extremely radical, not to say utopian, program of education; it was a natural corollary to his original premise of equality. "Education must not become the monopoly of any one group; it must be of equal quantity and of equivalent quality for all men and women."[84] "Everybody must work and everybody must be educated.

[80] *Oeuvres*, III, 101 ff, 274.

[81] *Ibid.*, III, 58, 224, 274.

[82] "Pour telle ou telle science spéciale je m'addresse à tel ou tel savant. Mais je ne me laisse imposer ni par le cordonnier, ni par le savant . . . . Je m'incline devant l'autorité des hommes spéciaux parce qu'elle m'est imposée par ma propre raison." *Ibid.*, III, 55.

[83] *Ibid.*, 89.

[84] *Ibid.*, V, 153.

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There are to be neither workers nor scientists, but only men and women."[85]

To the objection that the innate capacities of individuals differ widely, Bakunin had a ready answer. It is consistent with his presumption of complete equality. Bakunin scouts the notion that there are great natural inequalities among men. These are the fictitious creation of the bourgeoisie, enabling them to justify to themselves and to others their superior advantages and privileges. Because they have wealth and position, they like to believe that they have earned them by means of their peculiar merits. In point of fact, this is so far from true that in the last analysis man is the product of all those forces which constitute his environment.[86] Men of genius are of rare occurrence, just as outright idiots are also rare. Bakunin believed that a man of genius should not be allowed to endanger the security of an egalitarian society.[87] The rest of mankind are very much alike in their original capacities; there are differences, of course, but they compensate and balance one another, so that all men are virtually equal in their aptitude for one or another sort of training. Given an equivalent rather than an identical education, they will develop an equal capacity for achievement and for enjoyment.[88]

Although Bakunin could scarcely picture the actual appearance of the new society, because he saw it neither clearly nor steadily, he nevertheless undertook to outline an educational program suitable for it. It was not an astonishingly novel program; in fact it reveals in noticeable degree the influence of Comte. There are three parts in it, which are intended more or less to parallel and to supplement one another. To Part A is assigned the study of theory; it comprehends all the positive sciences, for which,

[85] *Oeuvres*, V, 145.

[86] *Ibid.*, V, 148.

[87] *Ibid.*, V, 148, 151. Society must guard against "les veilleités dictatoriales et de l'ambition des hommes de génie."

[88] *Ibid.*, Vol. V, 129. "Ils naissent à peu près égaux, non identiques, mais équivalents . . . c'est l'éducation qui produit les énormes differencés . . . ." (III, 239). Bakunin was essentially an empiricist; what he says on the question of heredity as opposed to environment is not so very different from what Hobbes had written: "Nature hath made men so equal, in the faculties of body, and mind . . . ." ("Leviathan", ed. 1881, p. 91.)

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in spite of his prejudice against everything metaphysical, Bakunin preserved the name "philosophy." This first part is designated as *La Philosophie Positive*, or Universal Science. Each individual is to be introduced to the rudiments of all the various sciences, but he is to make a special study of the one for which he is peculiarly adapted. In Part B provision is made for practical training, since every child is to be taught some useful work in order to prepare him for active life in the new society. Part C, finally, consists of a kind of ethical education; one is tempted to suggest that it is here a question of training in revolutionary doctrine, which is an important part of every scheme for the reconstruction of society. The object of this elaborate program of education, so little original in itself, will be, of course, to bring the new generation to the knowledge and to the practice of the highest form of liberty, and by liberty (it is worth repeating) Bakunin meant: "the fullest development of all the capacities which are latent in man and the fullest measure of independence of every man in relation to every other man."[89]

The peculiar traits of Bakunin's philosophical system are too apparent to need farther elaboration; the flaws are too glaring to call for detailed criticism. The complete absence of originality, or even of novelty, is its outstanding and characteristic deficiency. Except from immediate contemporaries like Hegel, Comte, and Proudhon, Bakunin probably did not borrow a great deal directly, for he was too little read in the history and literature of the past to have been able to do so. But his mind was absorptive, and he lived in an age which, almost more than any other, was cosmopolitan in its tastes and habits of mind. Like many of his compeers, Bakunin fused and confused many things, producing what in one form or another was the popular jargon of the nineteenth century. Progress and natural law and the struggle for existence were the shibboleths of bourgeois liberalism as well as of radical socialism.

For all his ultra-modern and militantly controversial attitude, Bakunin was concerned with problems of social organization and

[89] *Oeuvres*, V, 153 ff.

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of human conduct, and these are, in spite of the passage of time and the appearance of change, forever the same. It is not strange, therefore, that Bakunin drew upon the few basic ideas which, since the days of the Greeks, have constituted the chief resource of political theory. His idea of the natural society was no other than that of Plato in a new dress; he was no more zealous an advocate of the single universal society than was St. Augustine. From a spiritual point of view, Christian egalitarianism rivals that of Bakunin; it is perhaps less impossible than his. He would apply it to this world, while Christianity wisely reserves it for another and a better world. His vision of the new and ideal society is not more elevated than was Plato's; it lacks the concreteness and the appearance of reality of Sir Thomas More's.

In what, then, does Bakunin differ both from his contemporaries and from his predecessors? He is different chiefly in the iconoclastic daring with which he attacks his problem, and in the passion which gives life and movement to his criticism. In him the unsparing and the undiscriminating verbal violence of the agitator and of the propagandist all but crowds out the calm detachment of the philosopher. Other men have also contemplated the rebuilding of society, or have dreamt closet dreams. Bakunin would knock us on the head and stun us into accepting his particular closet dream.

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AMERICAN GOVERNMENT AND POLITICS

SECOND SESSION OF THE SIXTY-NINTH CONGRESS

December 6, 1926, to March 4, 1927[1]

ARTHUR W. MACMAHON

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Short sessions are short enough—sixty-seven days of actual meetings in that of the Sixty-ninth Congress—but the public's memory is even shorter. It thinks of the recent session almost wholly in terms of the colorful Senate filibuster at the end and forgets that such occurrences are the rule rather than the exception in the short sessions of Congress. When Senator Reed of Pennsylvania was chided by Senator Pittman for "putting your will against the rest of the Senate," he replied: "As I have a right to do"; and he could point his rejoinder by recalling Mr. Pittman's own obstructive action at the termination of Congress two years before. The system itself invites congestion and obstruction. Rapping for order and snapping "sit down" (the printed proceedings do not record this but give the extinguished Pat Harrison's expiring lament, "Oh, it is a shame to spoil a good speech like this!"), Mr. Dawes snatched the last two minutes from the Senate in order to say that "the Chair regards the results of the present legislative session as primarily due to the defective rules of the Senate" (p. 5687).[2] With equal logic, and perhaps more soundly, one may find in the situation on March 4 reasons for sharpening the question why the Norris constitutional amendment to change the scheme of congressional sessions, which passed the Senate on February 14, 1926, and which was favorably reported in the House within the same month, was not allowed to come to a vote.[3]

[1] For a note on the first session of the Sixty-ninth Congress, see this REVIEW, vol. 20, p. 604 (Aug., 1926). For notes on previous congresses, by Lindsay Rogers, see vol. 13, p. 251; vol. 14, pp. 74, 659; vol. 15, p. 366; vol. 16, p. 41; vol. 18, p. 79; vol. 19, p. 761.

[2] The reference here (as always when pages are given without further citation) is to the *Congressional Record*, 69th Congress, 2nd Session, vol. 68.

[3] President Coolidge, in his annual message of December 7, 1926, suggested that appropriations be made biennially, thus relieving the short session. The plan was condemned by Chairman Madden of the House Committee on Appropriations (pp. 82, 5860), who said that he was "expressing the consensus of opinion of the House." It is hard enough, he argued, to estimate now, without incurring the necessity of deficiency appropriations; besides, the annual discussion in committee and on the floor is invaluable in discouraging administrative extravagance.

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Membership. Deaths and by-elections had scarcely altered the alignments of the first session. In the House, the Republicans gained a seat in connection with the four new representatives sworn in on December 6. In the Senate, the Democrats had picked up two places through the victories of Walsh in Massachusetts and Hawes in Missouri.[4] The Republicans, furthermore, were deprived of a vote from Illinois throughout the session, under circumstances that threw across the Senate the shadow of a possible party deadlock in the Seventieth Congress. On the death of Senator McKinley, shortly after the beginning of the session, Governor Small of Illinois appointed Frank B. Smith, who had triumphed over McKinley in the Republican primaries and who had been elected in 1926 for the regular term. Mr. Smith's appointment for the unexpired term precipitated the controversy already imminent regarding the propriety of allowing him to sit at all, in view of expenditures and methods in the Illinois elections of 1926. On January 19 the Senate declined to allow him to take the oath and, after debate on that day and the next, adopted the motion of Senator Reed of Missouri, by a vote of 48 (15 Republicans, 32 Democrats, 1 Farmer Labor) to 33 (including 4 Democrats), witholding the oath until the case should have been considered by the committee on privileges and elections (p. 2021). Mr. Smith's subsequent illness brought this investigation to a standstill. The nominal groups in the session were: Republicans, 52; Democrats, 42; Farmer Labor, 1.

The Republicans retreated still further in handling the renegades of 1924. On December 11 the Republican committee on committees voted to restore to Senator Frazier of North Dakota his membership in the Republican conference and his former seniority rights on committees. Senator Pat Harrison was tempted to some easy sarcasm. "Why now, so closely following your former action, are you so solicitous about the senator from North Dakota and the distinguished doctor from Min-

[4] The Republicans held their lines in connection with the other senators elected in 1926 who were entitled to sit in the 69th Congress: Stewart, Iowa; Robinson, Ind.; and Gould, Me. Mr. Gould was chosen at a special election late in November to fill the vacancy caused by Fernald's death. He was sworn in at the opening of the session, but on December 7, by a vote of 70 to 7 (6 Republicans, 1 Democrat), the Senate adopted the resolution of Walsh of Montana that the committee on privileges and elections investigate the charge that Mr. Gould had been instrumental in 1912 in offering a bribe to a Canadian official in furtherance of a client's business interests. The report of the committee, accepted in the Senate on March 4 without debate (p. 5680), declared that the alleged circumstances fourteen years before had nothing to do with Mr. Gould's election to the Senate.

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nesota (Mr. Shipstead)? . . . . I know it has been said that this sudden change is because in the next Congress you do not know whether you will have a majority or not . . . . . Others have asked what difference does it make if the senator from North Dakota votes with the Democrats. The Republicans have a Vice-President who can decide matters here. Then others have been so cruel as to say that the Vice-President cannot always be relied upon to be in his seat." Laughter. (p. 208).

Organization. The party instrumentalities within Congress were, of course, continued essentially unchanged from the preceding session. In the House it is never possible to disentangle the majority steering committee from the functions of the Speaker and floor leader. There was evidence of a little dissatisfaction on the ground, especially, that the rôle of the steering committee was being unduly usurped by an inner group of four persons—Speaker Longworth, Floor Leader Tilson, Chairman Snell of Rules, and Representative Begg of the 13th Ohio district. The latter managed Mr. Longworth's fight for the speakership, but holds no titular position in the party organization.[5] Nothing, however, seems to have come of such dissatisfaction at the reputedly harmonious Republican caucus held in good season on February 21, 1927, to organize the House for the Seventieth Congress; at all events, the existing party leaders were renamed.

The conduct of affairs in the Senate revealed no strong hand and no effective machine. The majority leader was tossed like a chip in the final filibuster.[6] How partial and inconclusive was the leadership exercised by the majority steering committee (more properly, "the committee on order of business of the Republican conference") is illustrated by considering the list of recommended bills announced by this committee on December 13 as a program for the session.[7] Of the

[5] The following comment illustrates a widespread impression: Mr. Blanton: "The gentleman from Ohio [Mr. Begg] occupies a unique position here in the House. If there is an assistant Speaker here in the House, it is the gentleman from Ohio. If there is an assistant floor leader, it is the gentleman from Ohio" (Jan. 17, p. 1803).

[6] See, for example, Mr. Curtis' confession (March 4, p. 5663) that he would not have moved for the recess on the night of March 3 if he had not believed "as confidently as a man could believe that the urgent deficiency bill would be taken up at 8:30 by unanimous consent."

[7] *U. S. Daily*, Dec. 14, 1926, p. 1. The items were: S. 2929, refunding railroad indebtedness; S. 1618, the "truth-in-fabric" bill; S. 3331, Boulder Dam; S. 62, French spoliation claims; H. R. 10729, creating bureaus of prohibition and customs: H. R. 3821, placing prohibition employees under the merit system; H. R. 3858, foreign commerce service. H. R. 10729 and 3858 became law.

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seven measures named, only two became law, although the purpose of another was covered by one of these two. Well might Senator Bruce, exasperated by repeated frustration of his attempt to secure the consideration of his bill (S. 62) for the allowance of certain claims for spoliation on the part of the French prior to 1801, find cold comfort in the attempt of the floor leader to reassure him by saying, "I think this bill has been placed third in order by the steering committee for consideration." "Mr. President," exclaimed Mr. Bruce (driven by a sense of exigence perhaps more and perhaps less justified by the long wait since 1801), "I desire to say in that connection that I am just a little afraid that the steering gear of that steering committee may not be in good working order" (p. 628). Such vital matters as the interdependence of the banking and farm relief measures (below, p. 307) were characteristically negotiated over the heads of the steering committee by individuals and informal, shifting groups.

Procedure. Whereas the business of the House revealed little that was not typical,[8] the operations of the Senate were marked by occurrences which were at least picturesque and perhaps significant.

Clôture, hitherto confined to the issues of the peace treaty and the world court, seemed on its way to become a commonplace, although in fact only two of the five petitions which went to a vote were successful in obtaining the requisite two-thirds. The filing of the motion on the banking bill (H. R. 2) on February 12 immediately followed Senator LaFollette's announcement that for the remainder of the session he would object to all "unanimous consent agreements fixing time for final votes upon important measures." This led Minority Leader Robinson to remark: "I desire to suggest that within a very short time it would be a very good precedent to apply clôture on the motion of the senator from Pennsylvania [Mr. Pepper]" (p. 3663). Suiting action to the word, Mr. Pepper pulled from his pocket the petition, already signed by 58 members; and clôture was approved on February 15 by

[8] Nine special rules for privileged status were reported by the rules committee and adopted, covering eight bills. Another was adopted but laid on the table, the bill it concerned passing under suspension of the rules by a two-thirds vote (a virtual substitute). Four resolutions had been reported and were pending at the close of the session. The new discharge rule adopted in the first session was not operated. Four motions were initiated, but none received sufficient signatures. The Democratic leaders made a gesture in connection with their tax reduction measure (H. R. 14590). On January 24, Minority Leader Garrett, admitting that the Democrats could furnish only 174 of the 218 names required, said "the doors are still open and we hope you will come forward" (p. 2172).

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65 (36 Republicans, 29 Democrats) to 18 (9 Republicans, 8 Democrats, 1 Farmer Labor) (p. 3817). The other successful attempt involved the proposal (H. R. 10729) to establish bureaus of customs and prohibition in the Treasury Department and to place prohibition agents under the civil service laws. Several intransigent wets were disposed to contest the latter feature; Senator Bruce of Maryland, the most emphatic of these, attributed his opposition to a life-time's devotion to the principle of the merit system, which he did not wish to see discredited by inevitable contamination from an unenforceable law. The motion for clôture was filed on February 26, signed by 22 members (p. 4899), and was adopted on February 28 by a vote of 55 (33 Republicans, 22 Democrats) to 27 (13 Republicans, 13 Democrats, 1 Farmer Labor) (p. 5013).[9]

Failure attended three other clôture motions which secured the requisite sixteen signatures and were automatically submitted to a vote. The most interesting of these attempts was a phase of the strenuous but vain efforts of Senator Johnson of California, in charge of the measure for the protection and development of the lower Colorado River (S. 3331, popularly called the Boulder Dam bill), to break through a stubborn opposition in which the two senators from Arizona were the spearhead. They were acting in good faith, no doubt, in behalf of Arizona's claims on the basis of relative river mileage within her borders and her theory of potential development, against California's case on the basis of existing population and immediate needs. One can only guess how far, incidentally, their action served the purpose of private interests opposed especially to the public development involved in the bill. The Senate gave the measure right of way. Debate took place on February 18, 19, 21, and 22. On the night of the 22nd the Senate continued through what was said to have been the first all-night session since 1916. When, about midnight, those present refused, by a vote of 14 to 21 to adjourn (p. 4474), Senator Johnson moved that the sergeant-

[9] On its final passage in the Senate on March 2, H. R. 10729 (which had passed the House in May, 1926) was favored by 71 and opposed by only 6 senators: Wadsworth, N. Y., Republican; and Broussard, La., Bruce, Md., Edwards, N. J., Gerry, R. I., and King, Utah, Democrats (p. 5373). Many remarks on prohibition were excited by H. R. 17130, for government control of the manufacture of medicinal spirits through a limited number of licensed manufacturers, which passed the House on March 1 by 209 to 151 (p. 5209). The Administration's original plan for a government corporation had previously been rejected by the committee on ways and means. Regarding the general problem of prohibition, it was announced that 61 members had organized "under the unofficial name of "the committee on modification of the Volstead Act" (p. 2036).

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at-arms compel the presence of a quorum. It was the first use of the technical power of arrest for this purpose since 1915, and the sergeant-at-arms, as he moved back and forth from the telephone, seemed a little dubious about the procedure. So, too, did some of the senators. Reed of Missouri came in breathing a threat to speak later on the "unspeakable outrage" (p. 4476); and it was reported of the senator from New Hampshire: "Mr. Keyes is in bed but said he would think it over. (Laughter)." A quorum of some fifty members was gathered by 2:40 A. M., but it, too, melted away, and although another motion to recess was defeated by 13 to 17 (p. 4574), and although another report on results at the telephone was extracted from the sergeant-at-arms, nothing happened until a quorum was obtained a little after nine o'clock on February 23. On February 24 Senator Johnson filed a petition for clôture bearing 16 names. It fell far short of adoption on February 26, receiving 32 votes (21 Republicans, 11 Democrats) to 59 (28 Republicans, 30 Democrats, 1 Farmer-Labor) (p. 4904).[10]

In rapid succession, within two days, two other motions for clôture were rejected. The motion on the bill relative to the retirement of disabled emergency officers (S. 3027) failed on February 26 (a few minutes after the defeat of clôture on the Boulder Dam bill) by 51 (27 Republicans, 24 Democrats) to 36 (19 Republicans, 16 Democrats, 1 Farmer Labor) (p. 4905). On February 28 the motion on the bill for public building sites in the District of Columbia (H. R. 6663), for which Senator Lenroot had obtained 17 signatures, was lost by 52 (30 Republicans, 22 Democrats) to 31 (17 Republicans, 13 Democrats, 1 Farmer Labor) (p. 5012).

It is too early to say whether all this indicates that the clôture rule will soon become a ready instrument in senatorial routine. Perhaps Senator Copeland (Democrat, New York) foreshadowed a general shifting of attitude when (answering the charge of Senator Edwards (Democrat, New Jersey) that he had played false to the wets in voting for clôture on the bill to establish the prohibition bureau and to apply the merit system to it), he said: "With the defeat of all my (*sic*) efforts to get a vote on the McFadden banking bill, which I strongly favored, I changed my position on the general principle of clôture and am inclined to believe that hereafter I shall favor clôture whenever it is proposed in a worthy cause" (p. 5562).

[10] Public Resolution No. 71, approved March 4, forbids the Federal Power Commission to issue any permits or licenses on the lower Colorado until the interstate pact is approved by Congress, or, if not sooner approved, until March 5, 1929.

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Filibustering in the closing hours, of course, finds the present clôture rule impotent. It was, for example, of no avail when Senator Reed of Pennsylvania became openly defiant in his opposition to the resolution (S. Res. 364) introduced on February 21 by Senator Reed of Missouri, chairman of the select committee on the investigation of campaign expenditures,[11] in order to clarify doubts regarding its future powers by providing that the resolutions constituting it should continue "in force during the Seventieth Congress," and by specifically authorizing it "in its discretion to open any or all ballot boxes and examine and tabulate any or all ballots, and scrutinize all documents . . . concerning the general election held in the state of Pennsylvania on the second day of November, 1926 . . ." (p. 4287).[12] There was never doubt that a majority favored the resolution. Senator Reed of Pennsylvania made no bones about that. He defended himself by saying: "I am within my rights when I remember that a majority of the Republicans in the Senate are opposed to the adoption of the resolution and have so expressed themselves over and over again." Senator Robinson of Arkansas asked: "Why is not the Senator willing to take a vote on the resolution?" "Because," Reed replied, "I think that the Democrats are standing together, and they have enough Republicans weaned away by one method or another to give a majority to pass it, and I do not intend that it shall pass" (p. 5659). This sounded like the familiar theory of caucus-majority, but in fact the decision and the responsibility were

[11] Authorized in the first session by S. Res. 195 and further empowered by S. Res. 227, 258, 324. For its partial report, see S. Rept. 1197.

[12] The introducer was almost casual; if he was disingenuous, however, in saying, "I do not think there will be any objection to it," he was certainly no more so than Senator Reed of Pennsylvania, who, in asking mildly that it go over until he could consult representatives of Mr. Vare, remarked: "At first sight the only criticism I have of it (S. Res. 364) is that it does not go far enough . . . . I do not imagine there will be any trouble about it tomorrow" (p. 4288). On February 24 his opposition was more definitely revealed; he preferred (he said) that the investigation be conducted by the standing committee on privileges and elections and that, if any ballots be examined, all be examined (p. 4653). On February 25, repudiating his own floor leader, he threatened a filibuster. Majority Leader Curtis, speaking of the request of Reed of Missouri that the consideration of S. Res. 364 be made a special order by unanimous consent, said, "I hope the agreement will be entered unto." "I am sorry," said Senator Reed of Pennsylvania, "I shall have to object . . . . We are tired in Pennsylvania of being singled out for investigation . . . . . I do not think it [the resolution] can be disposed of in the space of one night. If we once start, there will not be much else done in the Senate at this session" (p. 4816). Reed of Missouri had a threat of his own: ". . . . we will get the authority or the Senate will not do any more business at this session; I notify you of that" (p. 4818).

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personal, and this was admitted with an engaging arrogance that added to the interest of the conflict. Thus, when Senator Heflin observed: "There are only three Senators objecting now, as I understand . . . . . There are the Senator from Pennsylvania (Mr. Reed), the Senator from New Hampshire (Mr. Moses), and the Senator from Colorado (Mr. Phipps)," the prompt rejoinder of the Pennsylvanian was, "And any one of us is enough; so do not worry about that" (p. 5574).

That the majority in favor of the resolution approximated two-thirds, indeed, was demonstrated on numerous votes; on March 2, for example, when the motion to consider was carried by 56 to 25 (p. 5347) and another such motion later in the day by 53 to 24 (p. 5377), and when the motion to adjourn was defeated by 21 to 58 (p. 5392); and on March 3, when two motions by Reed of Pennsylvania to take up the deficiency appropriation bill were rejected by 24 to 33 (p. 5519) and 18 to 47 (p. 5585). Even the substitute offered by Reed of Pennsylvania, to the effect that the investigation of the Pennsylvania situation be conducted by the committee on privileges and elections—submitted on March 2 with the remark, "If that substitute be accepted, I will cheerfully see the resolution so amended passed at this minute" (p. 5348)—was laid on the table by a vote of 46 to 34 (p. 5392).

On all of these occasions, Senator Blease of South Carolina was the sole Democrat to vote against the original resolution. One of the chief ammunition dumps used by the filibusterers was statistical material regarding the negligible Republican vote, the slight total vote, and presumptive disfranchisement in the South. Figures on these points could be stretched out almost endlessly, and their use was doubtless intended to excite Democratic doubts regarding the good policy of roving investigations of election methods. Only Blease reacted openly to the stimulus. Speaking, so he affirmed, for the "unterrified Democracy of South Carolina," he declared: "This committee has no business in my country, fooling around with my primaries, and I warn you and your committee to stay out" (p. 5389).

Meanwhile, during a nominally continuous session from March 2 until a little after midnight on March 3, and again on March 4 from half past eight until noon, several important bills in their final stages waited vainly for action in the Senate. These were the second deficiency appropriation bill (H. R. 17291), the public buildings bill (H. R. 17355) and another (S. 4663) for the acquisition of sites in the District of Columbia, and the bill for the restoration of alien property (H. R. 15009). The Vice-President showed alertness in the closing hours in easing

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considerable privileged business from the House over the shoals, but in the case of the big bills mentioned the pending business could be displaced in practice only by a unanimous consent agreement of some kind. Between the night of March 2 and twelve o'clock on the 4th, over ten such proposals were offered from the floor.[13] The more important of these contemplated taking up and voting on the blocked bills under definite time limits, while preserving the status of the Reed resolution.

The *modus vivendi* that came nearest to saving all four measures was that offered in the early morning hours of the night session of March 2–3. Senator Blease played Horatio. "I am going to object to it, no matter what it is . . . . . I object. . . . . I will never agree to anything so as to let this Reed resolution go through . . . . . If I do not die, I will never consent . . . . . I have four aces. I will have to stand pat" (pp. 5495–6). Senator Wadsworth (himself a filibusterer) remonstrated, at least ostensibly, but Blease was obdurate. "No," he shouted; and after a further appeal: "I cannot do it right now. If the Senate will wait a minute we might be able to settle it." After a pause: "No, Mr. President, we cannot settle it" (p. 5505). Was Blease here really acting for Reed of Pennsylvania in taking a stand which at first glance seemed illogical although perhaps not uncharacteristically so? This was directly charged, and Senator Reed never denied it.[14] Such an interpretation falls in with what was the admitted strategy of the filibusterers—to

[13] During the night of March 2–3: by Robinson of Ark., Blease objecting (p. 5490); by Reed of Mo., Blease objecting (p. 5495). Later during morning of March 3: by Reed of Pa., Norris objecting (p. 5565); by Robinson of Ark. (p. 5559); by Glass, Reed of Pa. objecting (p. 5571); by Reed of Mo., Reed of Pa. objecting (p. 5576). On March 4, concentrating on the deficiency bill: by Reed of Mo., amending Curtis' suggestion, Reed of Pa. objecting (p. 5655); by Reed of Mo., Howell objecting (p. 5664); by Bratton, Walsh of Mass. objecting (p. 5665); by Warren, Walsh of Mass. objecting (p. 5666); and by Glass (involving the buildings bill), Reed of Pa. objecting with the words, "I am not going to let the Reed resolution be stuck on any bill as an amendment" (p. 5679). The statement just quoted illustrates a fear that complicated the attempt to reach an agreement, for on the other hand there were senators like Howell (p. 5664) who had important, relevant amendments pending; causing the venerable chairman of appropriations to say, "The way to kill it is to object merely that each man shall have his own damned way" (p. 5664).

[14] Pp. 5520, 5560. Senator Swanson: "I would like to ask the Senator if that Democrat [Blease] did not come to him and did not the Senator advise him and ask him to object?" Senator Reed of Pa.: "That Democrat consulted with a number of us from time to time during the night." Senator Swanson: "I ask him [Reed of Pa.] if he did not ask him to object. That is a direct question." Senator Reed of Pa.: "I must decline to yield any further" (p. 5520).

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keep the big bills back until well on in the morning of March 3; then they felt safe.[15]

Thereafter, naturally, rôles tended to be reversed and the proponents of the resolution, unless they surrendered, to fall nominally into the position of filibusterers. In the end it was Walsh of Massachusetts and Harrison of Mississippi who refused to allow either the deficiency bill or a joint resolution carrying appropriations for pensions, etc. (H. Jt. Res. 379) to go to a vote. "I am for liberty first and appropriation bills second," cried Walsh (p. 5666), referring to the liberty of a majority of two-thirds to run the Senate. "They [the filibusterers] gambled on our cowardice at the eleventh hour. But if I stand alone, victory shall not be theirs." Was Walsh here running beyond the intentions of Reed of Missouri? The writer thought he detected a restraining gesture, but even that might mean nothing. The patient chairman of the appropriations committee, eighty-two years old, approached the robust Walsh, but recoiled as from a blow at the words: "I will say to you, sir, that I have objected, and I will not say anything to you in private that I will not say publicly" (p. 5685). Accordingly, the session ended without either the resolution[16] or the bills.[17]

Moving Forces and Working Compromises. Though the session was busy and quantitatively productive to an unusual extent, its general tone was admittedly negative in the sense that there was little will for

[15] See the colloquy, nearly conclusive on this point, at pp. 5556 and 5519, especially the remark of Senator Reed of Pa. that he had opposed the earlier attempt at agreement "because I was convinced at that hour of the night all of these great bills would have been whisked through in an hour or so."

[16] The select committee decided on March 4 to continue its investigations. On the question of Senator Reed's (Mo.) attitude during the session regarding his powers in the absence of S. Res. 364, see his remarks at pp. 901–2, 4277–8, and 4819, when, in reply to a direct question from Senator Watson, he said: "My opinion is that we have the right to sit during the recess of the Senate, but I am not clear on it." On March 3, pp. 5542–3, Senator Borah said in debate that the committee would continue to have full powers, and he repeated this in a letter to Chairman Reed on March 8 (*U. S. Daily*, March 19, 1927). At the end of March the committee's attorney was seeking a court order to impound ballots in Pennsylvania. On April 7, in naming Fess to take Goff's place, the Vice-President virtually endorsed the committee's continuance. Senator Fess subsequently refused to serve.

[17] The Administration began making what shifts it could, announcing that it was prepared to handle veterans' loans under the new act (Public No. 762), that it had upwards of eight millions available to undertake some thirty-five buildings during the year, but that pensions might have to go unpaid during the last two months of the current year and that the work of federal courts might be curtailed during that period.

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adventuresome feats of legislation, apart from farm relief and the completion of bills already well advanced. Partly, no doubt, this mood was a reflex of general political apathy, aggravated by the immediate leadership and the inevitable inhibitions of a short session. It was an attitude that encouraged trading. Exaggeration on this point, however, is easy and rife, being fostered by a contemporary fashion in thought which tips realism over backwards in dealing with such matters as minority control in government. One lobbyist went to the length of saying that there were more major deals in the session than in any Congress since the Missouri Compromise. The existence both of much mutual accommodation and also of the need for caution in interpreting it were illustrated in the outstanding instance—the so-called banking-farm trade. Reciprocity here seems to have been almost wholly in connection with allowing both bills to come to a vote, rather than in gaining them votes on passage. The banking bill (H. R. 2, given enhanced significance for the financial world by the addition of a rider providing in anticipation for the indeterminate renewal of federal reserve bank charters) was sure of majorities once the conference deadlock was broken, but it had a few irreconcilable critics like Senator Wheeler, and its managers were nervous. The McNary-Haugen farm surplus bill[18] could likewise count on majorities gained as the result of continued agitation, the cumulative effects of the general agricultural situation,[19] and especially the changed position of the great southern crops.[20]

[18] S. 4808-H. R. 15474, being (Senator McNary said) a more "liquid" form of the bill in the preceding session, retaining the equalization fee, but dropping the "tariff yardstick," providing that the farm board be selected from nominations made by farmers' conventions in twelve districts, permitting loans to coöperatives, and naming as basic commodities cotton, wheat, corn, rice, tobacco, and swine. The House committee reported H. R. 15474 on January 14 by a vote of 13 (8 Republicans, 5 Democrats) to 8 (4 Republicans, 4 Democrats), preferring it over the Curtis-Crisp and Aswell plans. The Senate committee unanimously reported S. 4808 on January 22. The Senate bill, amended, passed on February 11 by 47 (24 Republicans, 22 Democrats, 1 Farmer Labor to 39 (22 Republicans, 17 Democrats), and was substituted for H. R. 15474 in the House by a special rule, passing on February 17 by 214 (113 Republicans, 97 Democrats, 2 Farmer Labor, 1 Independent, 1 Socialist) to 178 (108 Republicans, 70 Democrats). It was vetoed February 25 (below, p. 310).

[19] Senator Bruce remarked: "At the last session of Congress hardly a voice was raised in the State of Maryland to ask me to vote for the McNary-Haugen bill . . . . . But now . . . . the people of Maryland are beginning to ask me to vote for the McNary-Haugen bill" (p. 3307).

[20] The reactions of the cotton surplus need no comment. Regarding tobacco, Representative Kincheloe (Ky.), who was said to have carried perhaps sixteen members over with him on the bill, remarked in explaining his own shift since the first

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In the Senate, where the danger of conflict and deadlock was greater, the managers of the two bills were rivals in applying for special orders by unanimous consent. Between January 31 and February 3, following at least one conference in the Vice-President's office, an attempt was made to cover the consideration of the two bills in a single unanimous consent agreement. The viewpoint that prompted this obvious compromise was indicated by Senator Gooding (Republican, Idaho) when he said on February 3: "I have been very active in trying to bring about the unanimous consent agreement now asked for and in linking together the agricultural relief bill and the banking bill. I did that because I am satisfied in my own mind that unless the two forces in this body should get together, neither the banking bill nor the farm bill would be passed at this session of Congress" (p. 2966). As it turned out, the proposed agreement failed. Senator McNary at once succeeded by 66 (37 Republicans, 29 Democrats) to 14 (9 Republicans, 5 Democrats) in his motion to make the farm bill unfinished business. For their part, the supporters of the banking bill resorted to clôture (above p. 300). In this they no doubt drew some support from the friends of farm relief. On this point, Senator Wheeler remarked: "The Senator from South Carolina asks me if there was such a deal made, and I answer, 'Yes' . . . . I think that those who are anxious to see the farm relief bill pass were unduly exercised and were cajoled by their fear that there would be a filibuster against the farm bill to sign up clôture on this bill" (p. 3901). Under the circumstances it was idle to debate with Senators Norris and Glass who was pulling whose chestnuts out of the fire (February 3, p. 2966). Certainly, when the farm relief bill passed the Senate on February 11, the bright little nod which Vice-President Dawes gave to Senator McNary as he laid down the tally sheet was hardly the gesture of a heartbroken banker.

The President and Congress. Neither in his messages[21] nor in the less formal types of influence did the President show the inclination and

session: ". . . . my tobacco farmers and tobacco farmers of other states have changed position on this question because they have gone as far as they can" (p. 3636). Apart from the manoeuvering of groups interested in particular commodities, there was a persistent rumor of trading by which the Parker emergency coal bill was held in committee. See remarks by Representatives Treadway, p. 4136, and Fish, p. 4035. Forty-seven representatives shifted from their position against the McNary-Haugen bill in the first session.

[21] In addition to the regular message read by the clerks of the separate houses on Dec. 7, 1926, and the regular budget message on Dec. 8, a total of 99 messages passed from the White House to Congress during the lifetime of the 69th Congress.

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ability to lead the recent session in a positive way. "No great amount of new legislation is possible," read the message of December 7; and its dozen and a half items of recommendation were of very uneven importance and for the most part either defensive statements or glancing and vague suggestions.

The presidential utterance on tax reduction may have been a trial balloon; if so, it never came down. The reported Treasury surplus presented embarrassing features, for business elements were pressing for the reduction especially of the corporation income tax. The Administration was agreed throughout, however, that a permanent tax-cut at the moment would be fiscally injudicious. Some suggested that the Administration was not oblivious to the fact that it would be politically wasteful. "The motive back of that is perfectly obvious," said Senator Bruce. "The Republicans are simply hoarding campaign material for the presidential campaign of 1928; that is all" (p. 3028). In his message President Coolidge suggested, instead of permanent tax revision, "reductions on payments which accrue on the 15th of March and June, 1927." It was not followed through. The bill fostered by the Democratic minority of the House ways and means committee for the reduction of the corporation income tax and the repeal of the automobile and other taxes was smothered in committee by a party vote. Legislation to further the President's recommendation was not reported. Despite constitutional implications, the attempted initiative shifted to the Senate. The attempts of Reed of Missouri and Harrison to attach cuts in the individual and corporate income tax to the first deficiency bill were ruled out on points of order. Harrison then proposed a resolution declaring the Senate's belief "that permanent tax legislation should be enacted during the present session." Instead, by a vote of 46 (44 Republicans, 1 Democrat, 1 Farmer Labor) to 33 (all Democrats), the Senate accepted Norris' substitute resolution "that it is the sense of the Senate that any surplus now in the Treasury arising from taxation should be applied to the payment of the national debt" (February 4, p. 3036).

Another presidential suggestion was slighted in connection with the naval appropriation bill (H. R. 15641). The action of Congress struck directly at a budget recommendation, but impinged on a question of foreign policy. The budget message specifically disapproved the construction of the three cruisers as yet unbuilt of the eight authorized in 1924. In a letter to the chairman of the sub-committee on appropriations in charge of the bill (Mr. French), the President said that he thought "it would be unfortunate at this time and not in keeping with our

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attitude toward these negotiations to commence the construction of these cruisers." Aided by a nicely timed special message on the disarmament conference, Mr. French (though opposed by the chairman of the committee on naval affairs, both floor leaders, and the Speaker) managed to pull through by two votes (135 to 137, p. 1260). The Senate, however, authorized the three cruisers by a vote of 49 (24 Republicans, 25 Democrats) to 27 (18 Republicans, 18 Democrats, 1 Farmer Labor), although the amount immediately authorized was later reduced in conference from $1,200,000 to $450,000. In the meantime it was understood that the disarmament conference proposed by the United States had met a chilly reception in parts of Europe. In the end, by a vote of 208 to 172, the House accepted the bill as amended. Speaker Longworth took the floor in favor of disregarding the President in the matter of the cruisers: "I agree as to the efficiency of the bureau of the budget and I believe in following them whenever I can. But, mind you, the bureau of the budget is not responsible to the people of the United States, and we are" (p. 4703).

The veto power[22] was used sparingly, but spectacularly, in view of the political implications of the farm relief bill. On February 25, in a message of some twenty-seven pages with an accompanying argument from the Attorney-General, the President disapproved the McNary-Haugen bill (S. 4808). No attempt was made in either chamber (apart from the introduction of a motion by Senator Reed of Pennsylvania on March 4 for filibustering purposes) to bring the matter to a vote. The only other "messaged" veto of the session concerned a measure (S. 2301, disapproved on January 28) that authorized the Shoshone tribe to submit certain claims to the Court of Claims. Two bills fell by pocket vetoes. In failing to sign one (H. R. 13450, increasing Civil War widows' pensions) the President partially vindicated a remark in his message: "I do not favor any further extension of our pension system at this

[22] An interesting special problem of veto procedure was inconclusively raised by the action of the House committee on judiciary in reporting a resolution declaring that a bill passed in the first session (H. R. 5218, relating to the Shawnee tribe) which had gone to the President on July 2 but which had not been signed by him was nevertheless law, on the ground that the adjournment mentioned in the constitutional clauses regarding the veto is the final adjournment, and not the interim adjournment between sessions. For the argument of the committee, see H. Rept. No. 2054. It may be added that President Coolidge, following Lincoln and Wilson, signed H. R. 11329, passed July 1, on July 13, Congress having adjourned on July 3, 1926. See Lindsay Rogers, "Power of the President to Sign Bills after Congress has Adjourned", 30 *Yale Law Jour.*, 1 (1920).

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time." The other bill (H. R. 2849, for the relief of the heirs of R. J. Norton) was private.

In connection with the confirmation of appointments, the Senate inflicted a single outstanding rebuke by declining in executive session on January 25 by a vote of 49 to 28 to confirm the nomination of Cyrus E. Woods, of Pennsylvania, to the Interstate Commerce Commission. In this it followed the adverse recommendation of the commerce committee tendered by a vote of 8 to 6 after hearings at which Mr. Woods appeared. The general suspicion which runs in some quarters against things Pennsylvanian may have had something to do with this action, but the crux of the opposition seems to have arisen from the anxiety of West Virginia, Kentucky, and Tennessee regarding the pending application by the Pennsylvania operators for lower coal rates to Lake ports.

The Legislative Product. The second session, by enacting 285 public laws, 210 private laws, 25 public resolutions, and 7 private resolutions, brought the total legislative output of the 69th Congress to 1,423 items, compared with totals of 996, 931, 594, and 508 in the four preceding Congresses. Measures of relatively general interest included the following:

(1) The act (H. R. 2, approved February 25, Public No. 639) amending the national banking laws and the Federal Reserve Act contains provisions too numerous and technical for summary here. The public envisages it in terms of two of its provisions: the partial permission given to national banks to engage in branch banking, in order better to meet the competition of state banking systems; and the renewal of federal reserve bank charters in anticipation of their expiration under the existing law.[23]

[23] The branch-banking feature, especially, provoked one of the most stubborn conference delays of recent years. It was broken when, on January 24, Chairman McFadden made a motion to pass a compromise form of bill. "A vote for the motion," he said, "is a vote for the bill without the Hull amendment, and a vote against the motion is a vote for no branch-banking legislation" (p. 2176). The troublesome Hull amendment had stipulated that the permission to national banks to engage in branch banking in states permitting the practice to state banks should not apply to the states (26 in number) which do not permit branch banking at present. The bill, shorn of this in what amounted to a Senate victory, was passed in the House on January 24, the compromise provision on branch banking being accepted by 298 to 166. After cloture had been invoked in the Senate (above, p. 300), it passed on February 16 by 71 (40 Republicans, 31 Democrats) to 17 (9 Republicans, 7 Democrats, 1 Farmer Labor). On March 4, without a record vote, the Senate directed the committee on banking and currency to "conduct a thorough investigation of alleged lobbying activities in connection with the banking bill" (S. Res. 335, p. 5681).

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(2) The Radio Act of 1927 (H. R. 9971, approved February 23, Public No. 632) had likewise passed both houses in the first session and had been the subject of sharp conference disagreement. The chief point at issue concerned the relative extent to which regulatory powers should be located in the Secretary of Commerce and in a new independent commission. In the end a compromise was accepted which some considered as a surrender of the Senate to the Secretary of Commerce.[24] It provides for a bi-partisan federal radio commission of five members, appointed from five zones, who for a year will serve on a full-time salaried basis; thereafter the routine functions will pass to the Department of Commerce, with the commissioners acting on a *per diem* basis to hear appeals from the Secretary.

(3) The omnibus Rivers and Harbors Act (H. R. 11616, approved January 21, Public No. 560) originally went to conference in the first session as early as January, 1926. Especially mooted points were the terms of the purchase of the Cape Cod Canal and the improvement of the Missouri River from Kansas City to Sioux City; in the background, however, were also the controversies over Great Lakes' diversion, so-called, and the St. Lawrence versus All-American routes.[25] The Senate reduced the total authorizations from $83,854,500 to $71,871,700—nearly offsetting a cut of $38,000,000 in connection with the Missouri River by increases in other directions aggregating $26,017,400.

(4) In enacting the Longshoremen's and Harbor Workers' Compensation Act (S. 3170, approved March 4, Public No. 803), after years of effort, Congress ratified agreements reached outside of the chambers. "The representatives of the longshoremen and representatives of employers have both united to ask for the adoption of this measure,"

[24] Senator Dill remarked in defense of his acceptance of this: "Ah, but the exceptions are controlling. The exceptions give the commission the supreme power . . . . the Secretary of Commerce has no power if anyone objects to his exercising it" (p. 3115). The compromise bill was accepted in the Senate on February 18 without a record vote. Previously on February 7 there had been a test of strength on Senator Pittman's motion that the measure be made temporary, which was lost by 48 to 29 (p. 3238). The five members of the new commission were named by the President on March 1.

[25] An attempt in the Senate to have the purchase price of the Cape Cod Canal reckoned as the capitalization at $7\frac{1}{2}$ per cent of its average earnings during the last three years was defeated by 28 to 51 (p. 822). The item in regard to the Illinois River improvement contains the proviso: "Nothing in this act shall be construed as authorizing any diversion of water from Lake Michigan." The act is quite silent regarding the larger problem of the Great-Lakes-to-Atlantic route.

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said Chairman Graham of the House committee on judiciary, " . . . . and they ask you to pass it as it is" (p. 5323). The scheme is to be administered by the United States Employees' Compensation Commission through deputy commissioners, with the option of deputizing state agencies for the purpose.

(5) A brief but important act (H. R. 7555, approved January 22, Public No. 755) renews for two years the Maternity Aid Act of 1921, the original five-year period of which is just expiring. The discussion was considerable, and the measure as enacted represents a compromise and a drawn conclusion.

(6) No fundamental legislation affecting immigration was enacted, but a brief joint resolution (S. J. Res. 152, approved March 4, Public Resolution No. 69) provides that the national-origins clause (sec. 11, subd. b and e) in the immigration act of 1924 shall take effect in 1928 instead of 1927. The postponement is due to the belief that the information at hand is inadequate as a basis for the proclamation entailed by the clause.

(7) A measure of interest administratively (H. R. 10729, approved March 3, Public No. 751) creates a bureau of customs (in place of the present division) and a bureau of prohibition (in place of the present unit in the bureau of internal revenue), each to be headed by a commissioner at $8,000 per annum, appointed by the Secretary of the Treasury without regard to civil service laws. It is provided further that the appointment of employees in the prohibition bureau "shall be made subject to the provisions of the civil service laws."

(8) Another change of bureau structure is accomplished by the Agricultural Appropriation Act (H. R. 15008, approved January 18, Public No. 552), in recognizing a bureau of chemistry and soils, which will unite the work of the present bureau of soils and the investigative work of the bureau of chemistry. The regulatory work of the latter will go to a so-called food, drug, and insecticide administration, under the Secretary of Agriculture.

(9) A so-called foreign commerce service is recognized in the bureau of foreign and domestic commerce (H. R. 3858, approved March 3, Public No. 768). It is to be entered by examinations "held by the Civil Service Commission and the Department of Commerce in coördination," and it comprises five classes with specified ranges of salary.

(10) Judicial salaries are increased all along the line (S. 2858, approved December 13, Public No. 528). Justices of the Supreme Court are

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raised to $20,000 (instead of $14,500); circuit court judges to $12,500 (instead of $8,500); and district judges to $10,000 (instead of $7,500).

(11) The Taber-Lenroot Act (H. R. 11768, approved February 15, Public No. 625) forbids shipping milk and cream into the United States except by persons holding permits from the Secretary of Agriculture. Certain conditions and standards are specified in this connection.

(12) A number of acts even more specially of interest to agriculture were passed during the session. (a) One penalizes commission merchants who destroy perishable food products without cause or make any false statement regarding such products to the consigner (H. R. 10510, approved March 3, Public No. 712). (b) Another provides that boards of trade must admit to membership the duly authorized representatives of coöperative associations (S. 2965, approved March 4, Public No. 802). (c) The method of reckoning price in connection with the Cotton Futures' Act is altered by H. R. 16470, approved February 26, Public No. 657. (d) The Department of Agriculture is directed to publish statistics regarding the grade and staple length of cotton in warehouses, but cotton crop reports (hitherto made semi-monthly) are henceforth restricted to five per year by S. 4746, approved March 3, Public No. 740. (e) The sum of $10,000,000 is provided to combat the European corn borer, contingently on the enactment of the necessary state regulatory legislation and the provision of adequate state, local, or private contributions (H. R. 15649, approved February 9, Public No. 594, and H. J. Res. 359, Public Resolution No. 55). (f) The sum of $8,000,000 is authorized for seed, feed, and fertilizer loans to farmers in the drought and storm stricken areas of the Northwest and South. (S. 5082, approved February 25, Public No. 651).

(13) A further police regulation is placed on commerce by the Federal Caustic Poisons Act (S. 2320, approved March 4, Public No. 783); and pistols are barred from the mails by H. R. 4502, approved February 8, Public No. 583.

Appropriations. In handling the routine grist of appropriations, the session was ahead of the normal schedule. For the first time, said Senator Warren, some of the regular acts were passed before the Christmas recess. The failure of the second deficiency bill (above, p. 306) was not due to any slowness in the now well-oiled machinery of appropriations. A recapitulation of the estimates and of the several acts appears in an accompanying table.[26] Two only of the twelve major

[26] Below, p. 316. The data in the table, as well as the statements in the text above, are drawn from the "Review of Appropriations, etc." by Chairmen Madden

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bills—the Naval Appropriation Act (above, p. 310) and the act making appropriations for the Departments of State, Justice, Commerce, and Labor—exceeded the budget estimates, and these as a result of increases made in the Senate. The failure of some large appropriations at the last minute in the Senate filibuster renders still more confusing any comparison of grand totals with those of previous Congresses—a comparison already misleading in view of the contracting nature of certain heavy fixed charges. A scrutiny of these would show how properly Chairman Madden uses the past tense when he says: "We have passed the point of decreasing materially the annual expenditures of the routine activities of government" (p. 5859).

Impeachment Proceedings. The Senate met as a court of impeachment on November 10, 1926, in the case of Judge George W. English of the eastern district of Illinois, but adjourned almost immediately in the face of the announcement of the House managers that Mr. English had resigned on November 4 and that they would ask the House to dismiss the proceeding. This course was agreed to in the House on December 11, by a vote of 290 to 23, and concurred in by the Senate on December 13, by 70 to 9. Shortly afterwards a New York member preferred charges against Judge Frank Cooper of the northern district of New York for alleged misconduct in permitting certain methods in securing evidence in liquor cases. The report of the committee on judiciary that the grounds were insufficient was accepted by the House on March 3.

Congress and Foreign Affairs. Treaties fared badly. The proposed pact with Turkey, which was voted on in executive session on January 18, fell a little short of the necessary two-thirds, receiving 50 votes to 34.[27] The Poisonous Gases Treaty (an outgrowth of the Traffic-in-Arms Conference in Geneva in 1925) was taken up inconclusively in open session on December 9. On the other hand, the motion of Senator Trammell of Florida proposing to rescind the action of the previous session regarding the World Court was laid on the table by a vote of 59 to 10.[28]

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and Warren and by Mr. Byrns, ranking minority member of the House committee, in the issue of the *Record* of March 12, p. 5857 ff., supplemented by some information obtained directly from the House committee.

[27] On March 14, 1927, the Department of State announced a *modus vivendi* by which most-favored-nation treatment has been extended to June, 1928. *U. S. Daily*, March 15, 1927.

[28] Senator Borah asserted in the course of debate: " . . . . every indication now is that they are not going to accept the reservations" (p. 3404).

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RECAPITULATION OF APPROPRIATION ACTS, SECOND SESSION OF SIXTY-NINTH CONGRESS

Title of act	Budget estimates Sixty-ninth Congress, second session	Totals of bills as reported by House Committee on Appropriations	Appropriations, Sixty-ninthCongress, second session	Increase (+) or decrease (−) appropriations compared with Budget estimates	Increase (+) or decrease (−) appropriations in second compared with first session, Sixty-ninth Congress
Regular acts, fiscal year 1928					
Agriculture, Department of	$133,136,570	$128,362,385	$128,511,739	−$4,624,831	+$587,166
District of Columbia	36,282,989	36,173,366	36,282,385	−604	+2,363,814
Independent Offices	512,964,641	512,901,808	512,903,808	−60,833	−24,568
Interior Department	260,538,596	259,386,910	260,305,020	−233,576	+33,972,102
Legislative Establishment	16,437,470	16,382,429	16,433,779	−3,691	−3,547
Navy Department	314,703,650	314,552,680	316,215,107	+1,511,457	−3,434,968
Departments of State, Justice, Commerce, and Labor	85,145,181	83,459,390	85,176,741	+31,560	+5,212,890
Treasury and Post Office Departments	897,292,528	890,854,248	892,917,293	−4,375,235	+24,635,791
War Department	360,008,797	357,925,518	359,781,729	−227,068	+17,172,117
Total, regular annual acts	2,616,510,423	2,599,998,734	2,608,527,602	−7,982,821	+80,480,796
Deficiency acts					
First deficiency, 1927	185,792,534	183,867,884	185,612,334	−180,200	.....
Second deficiency, 1927	[1]	63,400,957	.....	.....	.....
Public buildings appropriation bill, 1928	[2]	19,878,700	.....	.....	.....
Total deficiency acts	185,792,534	267,147,541	185,612,334	−180,200	−302,241,433
Total regular annual and deficiency acts	2,802,302,957	2,867,146,541	2,794,139,936	−8,163,021	.....
Miscellaneous, relief, and claims acts (estimated)	[3] 10,000,000	.....	[4] 10,600,000	+600,000	+9,868,343
Total regular annual, deficiency, and miscellaneous	2,812,203,957	.....	2,804,739,936	−7,563,021	−211,892,293
Permanent and indefinite appropriations	1,406,461,333	.....	1,406,461,333	.....	−30,768,232
GRAND TOTAL	4,218,764,291	.....	4,211,201,270	−7,563,021	−242,660,525
GRAND TOTAL, EXCLUSIVE OF POSTAL SERVICE, FROM POSTAL REVENUES	.....	.....	3,455,865,070	.....	−155,673,814

[1] The second deficiency act for the fiscal year 1927, for which budget estimates totaling $115,336,010.20 were submitted, failed of enactment and the total of such estimates has been eliminated from the total of estimates for this session.

[2] The public buildings appropriation bill, fiscal year 1928, for which budget estimates totaling $19,878,700 were submitted, failed of enactment, and the total of such estimates has been eliminated from the total of estimates for this session.

[3] This sum, submitted by the President for eradication and control of the European corn borer.

[4] This sum includes $10,000,000 for the eradication and control of the European corn borer and an approximated amount of $600,000 to cover miscellaneous relief and claims appropriations carried in sundry public and private acts against which budget estimates were not submitted.

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In its important but imperfectly developed rôle of critic of current policy, Congress provided in both houses arenas for many addresses on the Administration's action regarding Mexico and Nicaragua. There was a good deal of punctilio in both parties about embarrassing the Administration in a situation already created by it, and a disposition on the part of some Democrats to let the matter develop as a "Republican row." On January 25 the Senate unanimously adopted a resolution (offered by the foreign relations committee as a substitute for that proposed by Senator Robinson of Arkansas) recommending that "consistently with the protection of American property rights . . . . the controversies with Mexico relating to the alleged confiscation or impairment of the property of American citizens and corporations in Mexico should be settled by arbitration" (p. 2251). The House meanwhile, regardless of its constitutional position, was exercising an interesting, though limited, initiative in the field of treaty-making. On February 21, by a vote of 262 to 43 (p. 4350), it resolved that the President "be respectfully requested forthwith to enter into negotiations with China with a view to drafting a new treaty" supplanting any existing treaty provisions which provide extraterritoriality or limit China's autonomy in levying customs or other taxes.

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LEGISLATIVE NOTES AND REVIEWS[1]

Governors' Messages, 1927.[2] Why should a summary of the contents of the governors' messages be of any interest to readers of the REVIEW? If the governors have expressed their own thoughts on state government, in their own ways, the messages should afford a means of estimating the attitudes and characters of the persons elevated by popular suffrage to the chief magistracies of the states. If these governors, as candidates, expressed similar opinions, then the messages may perhaps be assumed to represent the ideas which the candidates thought the people would approve. And if the citizens voted for the candidates because of the opinions which they expressed during the campaign, then the governors' recommendations may be regarded as the wishes of the people with respect to the conduct of state government. If the governors' recommendations are really popular in character, would it be too much to expect a considerable acquiescence on the part of the legislatures in the governors' programs? Would a study of the degree to which the gover-

[1] This department was formerly in charge of Professor Victor J. West, of Stanford University, whose death is recorded elsewhere (see p. 419).

[2] The following messages are reviewed: William W. Brandon, Alabama, special session message, December 28, 1926, and retiring regular session message; Bibb Graves, Alabama; John E. Martineau, Arkansas; George W. P. Hunt, Arizona, special and regular session; C. C. Young, California; John H. Trumbull, Connecticut; William H. Adams, Colorado; Robert P. Robinson, Delaware; H. C. Baldridge, Idaho, regular and special; Ed Jackson, Indiana; Len Small, Illinois; John Hammill, Iowa, inaugural and regular; Ben S. Paulen, Kansas; Ralph O. Brewster, Maine; Albert C. Ritchie, inaugural and regular, Maryland; Alvan T. Fuller, Massachusetts; Alexander J. Groesbeck, retiring, and Fred W. Green, Michigan; Theodore Christianson, Minnesota; Sam A. Baker, Missouri; J. E. Erickson, Montana; Adam McMullen, Nebraska; Huntley N. Spaulding, New Hampshire; F. B. Balzar, Nevada; Richard C. Dillon, New Mexico, regular and special; A. Harry Moore, New Jersey; Alfred E. Smith, New York; Angus W. McLean, North Carolina; Arthur G. Sorlie, North Dakota; Vic Donahey, Ohio, regular and special; M. E. Trapp, retiring, and Henry S. Johnston, Oklahoma, inaugural and special; Walter M. Pierce, retiring, and I. L. Patterson, Oregon; Gifford Pinchot, retiring, and John S. Fisher, Pennsylvania; Aram J. Pothier, Rhode Island; Thomas G. McLeod, retiring, and John G. Richards, South Carolina; Carl Gunderson, retiring, and W. J. Bulow, South Dakota; Austin Peay, Tennessee; Dan Moody, Texas; George H. Dern, regular and special, Utah; Franklin S. Billings, retiring, and John E. Weeks, Vermont; Roland H. Hartley, Washington; Howard M. Gore, West Virginia; Fred R. Zimmerman, Wisconsin; and Frank C. Emerson, Wyoming.

Forty-four legislatures meet in regular session this year, that in Florida, however, not until April and that in Georgia not until June. Legislatures in Virginia, Kentucky, Mississippi, and Louisiana meet in even-numbered years.

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nors' suggestions find effectuation in the statutes constitute something of a check on the popular character of these suggestions, or at any rate something of an indication of the real significance in state government of the governors' messages? Someone might attempt to compare the proposals of the state executives with the content of the session laws and study the correlations, of another might check the governors' programs against the platforms of the parties to which they adhere.

No striking tendency common to the several state governments, or even to a considerable number of them, is discernible in the messages for the current year. It is not always easy to determine what is the foremost recommendation in a given message or what subject, in the opinion of the governor, demands the first consideration of the legislature. Sometimes a matter is referred to as the chief problem before the lawmakers, or as presenting the largest opportunity of achievement to them, when the governor devotes relatively little space to it. A fair-minded effort to select the subject uppermost in the executive mind would probably produce the following conclusions. The financial aspects of state government come first in nine messages, and taxation, in so far as it is distinguishable, in eight; highways rank first in eight and second in seven or eight others: education comes first in three (two in the same state) and second in another; banks and banking come first in one and second in two others; the improvement of the Colorado River occupies an entire special message in Arizona and holds first place in the Utah message; the largest amount of space in other messages is devoted to public utilities (Massachusetts), judicial reform (Texas), conservation (Tripp of Oklahoma), water resources (California), legislative responsibility (Bulow of South Dakota), the rural credit situation (Gunderson of South Dakota), local government (North Carolina), state police (Rhode Island), state institutions (Tennessee), crime prevention and prisons (Green of Michigan), water-power (New York), election law reform, prohibition enforcement, and free text-books about equally (New Mexico).

Governor Dillon of New Mexico takes the prize for brevity by a very considerable margin in submitting a message of only one page, although it is true he followed this with a special message of about the same length. Governor Adams confined his remarks to four pages, and Governor Baldridge to nine. The longest regular messages were those of Governors Smith and Pothier, each approximately 45 pages. Governor Tripp, retiring, spread his observations over 64 pages, Governor Brandon ran on to 102, and Governor Pinchot asked the state to print a small volume of 58 pages of personal comment and 188 pages of reports from

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various departments and activities of the state government. Some objective measure of the value of a retiring governor's message would be worth trying to devise. It is quite obvious that in the majority of instances the person who has occupied the governor's chair for a term or two can more intelligently advise the legislature upon the conditions and needs of the state than can the person just entering upon the duties of the office. There is a tendency, apparently, for the retiring governor to become descriptive of the work of the state, although this is not exemplified in the messages of Governors Billings, McLeod, Pierce, and Gunderson.

Again and again the governors insist upon the desirability of few additional laws, of the repeal or simplification of existing statutes. Yet, so far as the writer knows, no legislature has hearkened to such a plea in recent years, at any rate with much seriousness. Are the executives really representing the people in such assertions, or are they merely repeating the platitudes of predecessors, or are they striving against the inevitable? Is this point of view the objectification of an unconscious depreciatory attitude toward a rival department of government in a sort of prestige competition?

Taxation. An income tax finds favor in the eyes of Governor Brandon, although the Alabama legislature in special session had just added two cents to the gasoline tax. Bus and regular highway transportation lines in Colorado should be subjected to a license tax, thinks Governor Adams, and somewhat similarly, Weeks, Donahey, and Zimmerman. The Connecticut film tax produced little revenue, has been expensive to administer, and has rested upon the exhibitors instead of the producers and distributors as intended; hence Governor Trumbull would correct these defects. Likewise Governor Baldridge is disappointed at the returns of the automobile transportation tax. The mortgage recording fee should be made proportional to the term of the mortgage as well as to the amount, believes the Kansas governor, who urges a continuation of the new money-and-credits tax so that it may have a fair test. He also suggests a recording tax upon municipal bonds, to be paid before the bonds could be registered with the state auditor. With respect to the recent intangible-tax law of Nebraska, Governor McMullen's disappointment is such that he proposed amendment in the classifications or the rate. In most states the governors, if the subject is mentioned at all, advise the legislature to take advantage of the concession of eighty per cent of the amount of the federal inheritance tax which the state may secure, but not so Governor Ritchie, who, although registering no protest

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against the ever-growing expenditures of the federal government whenever these supply the needs of the people or add to the resources or effectiveness of the nation, does decry the "bureaucratic system of the federal government, remote from the people, with its burdensome, perplexing, and prying laws lacking popular sanction, its red-tape and general incompetence of subordinates performing duties of responsibility;" it is against "the pyramiding costs of these things to the taxpayers of the country" that he protests. Maryland, he added, should not permit herself to be coerced. Governor Hartley seeks repeal of the federal tax and Governor Pothier apparently hopes for repeal.

The lightening of the direct property tax is regarded by Governor Green as the first purpose of every change in the Michigan system of taxation. Governor Christianson thinks that Minnesota has been collecting a perhaps disproportionate share of its tax from those who have borne the brunt of the economic depression and who are without means to pass the burden on. That inequality of the tax burden he especially deplores which is due to the failure of some to pay their taxes, noting that in two counties recently more than forty per cent of the taxes were delinquent, in four counties more than thirty per cent, in eleven counties more than twenty per cent, and in twenty-five counties ten per cent. Calling attention to the Missouri constitutional provision that the university should be supported from the school fund, which does not exist, Governor Baker proposes the creation of such a fund by devoting to it the proceeds of inheritance taxes, a ten per cent admissions tax, and a ten per cent tobacco tax. The Nebraska tax and financial situation is presented in admirably clear language by Governor McMullen: "State taxes cannot be reduced by decreasing the tax levy unless legislative appropriations are reduced proportionately." He would make it unlawful for the state taxing board, in calculating the levy, to take into consideration any resources of the general fund such as money in the treasury or taxes outstanding, so likely is abuse to result. He favors the payment of real estate taxes in half-portions every six months. The Nevada executive would have reënacted an inheritance tax repealed two years ago. Especially for school purposes, Governor Johnston desires a sales tax, a franchise tax, and certain corporation taxes. "This tax law affecting foreign corporations doing business in this state has all the evidence and ear-marks of being prepared by the interests who themselves were to be taxed," runs his comment, sustained by the statement that one company transacting business in Oklahoma to the amount of two and one-half million dollars

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paid eight dollars tax, and others correspondingly trivial amounts, or no tax at all. He proposes a graduated gross receipts tax for telephone companies, a severance tax for timber, a ten per cent tax on commercial billboards, and the repeal of all ad valorem road and bridge taxes. He would increase the powers of the state board of equalization so that it may really supervise the taxing and fiscal forces of the state to compel compliance with the statutes.

The earnings from capital invested in business enterprises, holds Governor Donahey, are becoming more stable on account of effective organization and the minimizing of competition. He favors for Ohio additional franchise and excise taxes in which ability to earn, and not tangible value alone, will be given consideration. Especially should motor transportation companies pay as other utilities, and all tax levies should be subjected to popular referendum by the constitution. Although as an initiated measure it was defeated last year, Governor Pierce asks the Oregon legislature to enact an income tax, also a tobacco tax, a corporate excess tax, and a tax on the premiums of all domestic insurance companies (apparently to equalize their status with that of foreign companies), and, it would seem, a special tax on all life insurance companies to pay the cost of the state board of health. He said: "Most of the functions of state government are for the benefit of the corporations and business interests of the state, and even the most profligate of legislatures would have more money than it could spend if these same corporations and business interests paid taxes in proportion to the amount paid by the farmers and the small property owners." Governor Patterson, however, conceding that some amendments might operate beneficially, thinks that the full enforcement of the present assessment and taxation laws, especially in valuing personal property, would go far toward equalizing the tax burden. An increase in the gasoline tax in order to permit a reduction in the direct state tax meets the approval of Governor Pothier, and Governor McLeod points to the indirect taxes as the sources of the largely increased revenues of South Carolina, notwithstanding material reductions in the direct tax levy. Governor Richards, of the same state, urges a constitutional amendment permitting the classification of property for taxation, although he is of the opinion that glaring inequalities in the present system may be largely remedied by an efficient operation of the assessment laws. He requests the various legislative delegations to recommend only properly qualified persons from whom the governor must, it seems, appoint the boards of assessment. He notes that sixty-six per cent of the farms of the state do

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not pay any net return and that eighty-eight per cent are mortgaged. The soft drinks tax he regards as unjustified except as an emergency measure, unless the sales tax is to be adopted as the policy of the state.

In order to reach the taxpaying ability of those whose wealth is not invested in real estate or tangible personalty, Governor Gunderson would change the laws of South Dakota. The second approval of the constitutional amendment for the taxation of farm lands and personal property on a different basis from that which is now required is advocated by Governor Peay, and also the continuation of the tobacco tax. An amendment for a similar purpose, separating the subjects of taxation, is approved in Washington, and also in Texas by Governor Moody. The latter would leave the ad valorem tax entirely to the counties. If the present tax system is to be retained in Utah, greater powers of equalization thinks, Governor Dern, must be conferred upon the state board of equalization and assessment to correct irregularities. In Vermont, Governor Weeks takes the same stand on the tax on intangibles, as does Governor Paulen of Kansas. Governor Zimmerman recommends the creation of a body of representatives of the different economic groups and of the tax commission to study the tax problem of Wisconsin as the tax commission was originally intended to study it before that body became burdened with administrative duties. In 1925 the personal property tax offset feature of the state income tax was repealed. This action had the unexpected effect of reducing public utility taxes about a million dollars. The homestead exemption of $500, enacted in 1923, was repealed in 1925. Although the highest judicial and expert opinion favors the repeal of the personal property tax, and although himself favorable to repeal, the fact that between eighteen and twenty per cent of the total property tax revenue of the state comes from this source creates a serious problem. Intangible property represented by money and credits is valued at $300,000 in Wyoming, creating the conviction that "money becomes taxable as soon as invested in live stock or other property, but is largely immune when invested otherwise." There should, thinks Governor Emerson, be some reasonable law for the assessment of intangibles.

Finance. All fees collected by departments, believe Governor Adams of Colorado, Governor Pierce of Oregon, and Governor Pothier of Rhode Island, should be turned into the state treasury, and these departments subjected to legislative appropriations for their expenditures. Governor Graves would substitute generally salaries for fees. Governor Trumbull highly commends the operation of the budget principle in Connecticut;

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because of the unavoidable variation in the productiveness of certain taxes, such as the inheritance tax, he recommends the establishment of a reserve fund to meet ordinary deficits, or perhaps emergencies. He thinks the payment for the services of many officials by fees is subject to misinterpretation and conducive to partiality in the administration of certain laws; salaries should be substituted. He would also have some department or official empowered to purchase or acquire an interest in land when necessary to protect the state's interests or effect an economy. In a special message Governor Baldridge urges upon the Idaho legislature a general curtailment of capital expenditures. Since the budget law, applicable to ninety per cent of the state's expenditures, has saved $3,700,000 annually, although only ten per cent of the taxes of Indiana go to the state government, Governor Jackson would apply a similar law to all localities whereby appropriations may be made for specific purposes and cannot be used for any other purpose. A single purchasing agent for the state would please the executives of Nevada and Iowa. The latter would like a balance-sheet prepared in popular form, distinguishing non-governmental income and disbursements from governmental, and showing separately capital outlays and borrowings, a thoroughgoing budget plan patterned after the federal system, and a standard accounting system. He decries the rapid and enormous growth of state expenditures and debts throughout the country and advocates a statute to require the amortization of debts within the lifetime of the improvements by annual payments. This must be intended primarily for local government units, inasmuch as later legislatures would not be bound by such a statute.

The Michigan legislature could easily have been bewildered by the striking diversity between the messages of Governor Groesbeck and Governor Green, one following the other immediately. The latter reports that it is impossible for him to present the state's financial condition, that the highway department has pledged its revenues in advance, that money has been raised for specific appropriations and spent for other purposes, and that many departments and institutions have failed in recent years to make reports; while the former had just stated that the finances were highly gratifying, and had assured the legislature that it would not now be confronted with deficits, that no department had neglected public work or fallen short of real accomplishment. Governor Brewster would have Maine a pioneer state in inaugurating the uniform system of accounting and reporting tentatively prepared by the auditors of the states in coöperation with the formulators of the national budget

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system, in order that tendencies in state finance may be discernable and comparison with governmental costs of other states may be possible. Montana and Texas executives made similar recommendations. The increased cost of government in Missouri is explained by Governor Baker as due to special activities without which the people would be dissatisfied: "Does any citizen want to go back to the days of mud roads?" He shows that less money was spent for public printing in 1925–6 than in the same length of time fifteen years ago. He advocates a diminished degree of itemization in the budget and the appropriation act, and a consequent increase of responsibility for the right use of funds upon the departments or institutions, with power on the part of the governor to withhold a part of the appropriation. "A budget system with teeth in it," similar to that now in operation by the federal government, appeals to him.

Governor McMullen cautions the Nebraska legislature against the introduction and passage of appropriations for buildings or lands at state institutions independently of the budget and contrary to its terms. The budget act is pronounced the most constructive piece of legislation enacted by the Kansas and North Carolina lawmakers in 1925. The Ohio legislature of 1925 seems to have indulged in some peculiar financial operations, repealing the direct state levies, decreasing the corporation franchise tax, and appropriating $6,500,000 over the governor's veto, thus creating the prospect of a $4,000,000 deficit in the general fund on June 30 and an excess of expenditures over receipts of $8,000,000 annually thereafter unless changes are made. Hence the governor presents in the budget two sets of recommendations, one upon the assumption of no additional revenues and the other upon the basis of estimated needs of the government. In a special message in response to a request from the leaders of the general assembly for an estimate of the amount of the unexpended appropriations on June 30, the governor asserts that more than fifty per cent of the total is expended by officials over whom he has no authority. Governor Pierce opposes the assumption by the state of Oregon of the defaulted bonds of the irrigation districts. A constitutional provision made the state the guarantor of interest for five years, which amounted to over $2,000,000. Districts are bonded in the sum of over $11,000,000. He would repeal the interest guarantee, and warns the legislature against the attempt of the powerful banking group at this session to substitute state bonds for the debts of the districts. He hints that the opposition of this group cost him a reëlection. He also would subject fee-receiving commissions to the budget. Governor Patterson believes the governor should be made the budget authority of the state. In Tennessee and Delaware interesting proposals are advanced to have the

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state take over the county road bonds entire, or those maturing within a certain time. This procedure would enable the counties to lower the rates upon real estate.

Governor Fisher, in emphasizing the inconvenience of inaugurating a governor at the opening of a session of the legislature, notes the impossibility of submitting a budget within four weeks after assuming office. He regards the perfection of the budget system as impossible as long as all appropriations except those in the general bill must be made by separate measures embracing but one subject, and as long as appropriations to charitable and educational institutions not under absolute state control require a two-thirds vote. He would empower the legislature to appropriate to classes of institutions among which disbursements could be made according to standards of service prescribed by law. "You gather for your deliberations from all sections. You have been engaged with your own affairs. Most of you are unfamiliar with the state's needs and finances. It would be unreasonable to expect that of you. On the other hand, the state has a department dealing with these affairs. Such is its business. The budget demanded in the law has been carefully prepared . . . . . I recommend that you enact these bills with as few changes as your judgment will permit;" thus does Governor Peay estimate the ability of the Tennessee legislature to deal intelligently with financial matters. Governor Zimmerman criticizes the budget system of Wisconsin as a "budget in name only," in that it is recommended by the board of public affairs whose nine members have little responsibility for state government and only two of whom remain connected with the state government for the biennium for which the budget is drafted. Such a body, he feels, lacks the information necessary for recommendations. The California constitution requires the governor to submit a complete plan of "all proposed expenditures of the state provided by existing law or recommended by him," as Governor Young quotes it in contrasting the total of the budget of 1923—$79,000,000—with the actual total state expenditure for the biennium of nearly $143,000,000. For the biennium 1925–6 the budget announced $103,000,000 as against an actual total of more than $180,000,000.

Highways. In response to the criticisms heaped upon the highway commission, Governor Brandon quotes from the report of the examiners of accounts a complete exoneration from graft, maladministration, or misappropriation of funds. He suggests licensing or taxing the motor bus traffic, and his successor would give the public service commission jurisdiction over bus lines. Governor Martineau believes the users should pay the cost of road building instead of the owners of adjacent

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lands, and he proposes to pay the bonds of the improvement districts as they mature. He would build all new roads by contract, because "experience has shown that the political element is too strong when the work is done by the state itself." Both he and Governor Hammill of Iowa would eliminate the county as a unit of highway construction, at any rate for arterial highways. Uniformity of traffic regulations is advocated by Governor Baldridge of Idaho and Governor Sorlie of North Dakota. The former also approves an operator's license. Likewise Governor McLean proposes a careful examination of the character, habits, experience, and fitness of applicants for drivers' licenses. He, with Governor Trumbull, suggests the beautifying of state highways by the lateral planting of grass, shrubs, and trees—action which would reduce erosion and climatic injuries generally. Governor Smith reports that although there were 200,000 more drivers in New York in 1926 than in 1925, the deaths due to automobile operation decreased from 2,120 to 2,093; that nearly 20,000 drivers were taken off the highways; and that nearly half of the applicants for drivers' licenses were rejected.

More funds for roads are requested by Governor Small, in almost the only positive recommendation in his message, so that the great loss of efficiency may be avoided which would attend a dispersing and subsequent reassembling of the highway construction agencies. Roads capable of carrying four or more lines of traffic are recommended for metropolitan areas and provision for adequate protection of the roads against excess-weight loads, especially by a patrolling force. "One heavily overloaded truck can do more damage to a pavement than hundreds of thousands of light cars." Governor Brewster believes that an adequate road-building program can be prosecuted in Maine without further bond issues. In California, South Carolina (McLeod), Tennessee, and New Hampshire no bonds are advised. Minnesota, Nebraska, and North Dakota executives are proud of the pay-as-you-build policy. Governor Brandon called a special session of the Alabama legislature to submit a constitutional amendment authorizing a second $25,000,000 bond issue for roads. The governors of New Jersey and North Carolina would have more bonds—$60,000,000 in the former and $30,000,000 in the latter. The former governor is almost alone in suggesting that part of the cost of the road system be assessed upon the land especially benefitted thereby, and cites as a striking illustration of the evil of state payment for major improvements and the escape of the land increased in value thereby (except in so far as it shares in the state's expenses) the increase of land values in Bergen county which came as a result of the projected Hudson River bridge. Governor Weeks' mention

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of a direct state tax for road money represents a departure from the almost universal users' pay policy.

Elimination of grade crossings within ten years at a cost of $20,000,000, to be paid by another increase in the gasoline tax, is part of the program of Governor Ritchie, who also, in view of the probable expense of condemning additional land for widening roads in the future, recommends legislation to enable the state to pay only the value of the adjacent land in case improvements have been erected on it. A traffic census shows, according to Governor Spaulding, that 84.6 per cent of the travel in New Hampshire by automobile is on the trunk line system, and that 51.1 per cent of the passenger cars on the roads during July, August, September, and October were of foreign registration. Only an increase in the gas tax will permit the construction of local roads to proceed, thinks Governor Fisher of Pennsylvania, who recommends more stringent safety regulations and asserts that state roads were not designed for heavy freight, which must not be allowed a monopoly of the people's highways. Governor Gore puts the road question as a business proposition in this fashion: "Shall we expend a large sum of money for auto repairs and replacements or invest at least a part in the further extension of the highway system?" He estimates an acceleration of automobile depreciation by five per cent to amount to $7,000,000, a sum which would provide interest and sinking fund for an $85,000,000 loan. This, however, he does not specifically recommend.

Education. The problem of the equalization of educational opportunities and educational costs seems to several governors (Brandon, Graves, Johnston, Jackson, Smith, Erickson, McLean) the outstanding difficulty in this field. Governor Brandon's objective is a minimum seven months' term for every school in Alabama, and a millage tax for the support of the higher institutions. Governor Moody believes in the same method of support. In Alabama Governor Graves would stress throughout the educational system an increase in the earning power of the pupils. State assistance in the provision of school buildings is advocated by Governor Peay of Tennessee and Governor Martineau of Arkansas. In South Carolina and Wisconsin a modification of the basis of distribution of state school funds to the localities is suggested—in the former state from enrollment to attendance. Free text-books are advocated in Kansas, Oklahoma, New Mexico, and a reconstitution of the state text-book commission in Alabama in order to reduce the cost which now exceeds that in other southern states by 58 per cent. The purchase of school supplies by the state and their distribution to needy districts is a plan sponsored by Governor Jackson. The redistrict-

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ing of the entire state of Missouri for school purposes and the creation of larger districts is offered by Governor Baker as a remedy for school ills. He would require all districts to provide an opportunity for at least an elementary education for all negro children. In Vermont, however, Governor Weeks speaks for the local rural school with state financial assistance in preference to the larger centralized school. He thinks that a community loses its spirit and its pride along with its school.

Governor Ritchie wonders whether the time has not come for a limitation on the size of the student body in the higher state institutions, in view of the limited resources of the state and the probable number of Maryland young men and women who will want to take advantage of the opportunity. A warning is issued to the people of South Carolina by Governor Richards against the ever-increasing tendency, both in colleges and public schools, to attach too much importance to athletics. He would exclude from employment in the colleges and public schools of the state any person who denies or even questions the existence of the Supreme Being and man's personal dependence upon Him. Governor Hartley of Washington renews his proposal for a board of education of nine members to superintend the educational system of the state, including both higher institutions and common schools. He again raises the question of the actual efficiency of the existing system, but makes no specific recommendation. He points out the fact that if the average rate of increase in the cost of education continues, the total will reach $113,000,000 in twenty-five years, and quotes from the report of the Carnegie Foundation for the Advancement of Teaching: "In no distant day we shall see, under these conditions, free public education endangered. Under the enormous load of taxation that society carries today, communities will rise against the burdensome cost of public school education. . . . . The conception that the public school is an agency in which any child may be taught any subject is fundamentally unsound." Governor Johnston favors memorializing Congress to create a national department of education.

Organization of Government. A four-year term for the governor is favored by Smith, Paulen, McMullen, Bulow, and Baldridge; the last-mentioned would likewise extend the terms of local officials, while the second, third, and fourth, along with Governor Green, favor ineligibility for a second term. Governor Moore opposes an extension of the terms of legislative representatives and governor.

Changes in legislative sessions are suggested in several states. Governors Fuller and Richards condemn the annual session. The former would fix a ninety-day limit until the biennial restriction can be accomplished.

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The latter pronounces the annual session a positive injury to the business of the state: "Very few laws of state-wide importance have been enacted in recent years." If Governor Trumbull's wishes meet with approval, the Connecticut solons will assemble for a brief period in the odd years to organize and appoint committees and transact emergency business and then adjourn for some months and reconvene to receive the executive's recommendations and act on the bills submitted. This, of course, is a form of the split session, in connection with which Governor Young trusts that something may be done in California to make impossible the introduction of "skeleton" bills during the first period, so that the public study of bills during the month of recess may mean something. Governor Baldridge would like to have the Idaho legislature convene in the even years a twelvemonth after the elective state officials have assumed office. In the opinion of Governor Trumbull, a superior court judge should be authorized to remove any local or state official for cause, pending the final action of the legislature. An executive budget amendment should be incorporated in the New York constitution, and also a provision for the constitutional initiative, thinks Governor Smith, who likewise favors doubling the terms of members of the assembly and senate and permitting the legislature to make provision for the support of the government only in the even years unless some other action is specifically recommended by the governor. Unalterable opposition to a unicameral legislature is expressed by Governor Gunderson of South Dakota: "By one single act of legislation it is proposed to go backwards along the pathway of democracy much of the distance which required one hundred fifty years of struggle to travel. People are not asking for it. While the people themselves would pass on the question, a sufficient amount of propaganda could easily put it across." Governor Bulow recommends the submission of the amendment.

A classified merit system for Texas is approved by Governor Moody; while Governor Zimmerman believes that the civil service department of Wisconsin, as at present constituted, has broken down. He claims that it is common knowledge that, contrary to law, all three commissioners, as well as the secretary and the chief examiner, belong to one party. If the system is to be continued, he would constitute an ex-officio board, appointed by the governor, to take charge of it, containing one representative of the state superintendent's office and another of the attorney-general's office. The advisability of civil pensions is doubted by Governor Fuller, who states that in many instances the pensioners are competing in industry with the very men who are helping to pay their pensions. Nepotism is denounced in Arizona; the custom of members

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of the general court to practice as counsel before the administrative departments is criticised in Massachusetts; the appearance of members of the late governor's law firm, as well as state officials, before state boards and offices, is condemned in Michigan by Governor Green; and the prohibition of members of one department from representing citizens before another department of the state government is urged by Governor Moody.

The New Jersey constitution is regarded as so archaic and inadequate by Governor Moore that he opposes piecemeal changes and advises the holding of a convention. Both he and Governor Smith denounce any scheme to bring the election of the state executives in the same year as presidential elections. The four thousand treasurers of North Dakota should be reduced in number to one for each county and for each city of four thousand population; a beneficial reduction could be made in the number of assessors from 1,800 to one for each county, thinks Governor Sorlie. Governor Trapp somewhat hesitatingly recommends the short ballot as a remedy for the confusion of the Oklahoma voter, with the understanding that a merit system of appointment would constitute a desirable accompaniment: "We must admit that the application of our theory of checks and balances often results in failure to fix definitely responsibility, and that in time something must be done to bring about a more expeditious administration of the public business . . . . ." Governor Johnston seconds this view: "In our effort to establish popular government, we have made so many state officers elective that 75 to 90 per cent of the voters go to the polls wholly uninformed on the name, reputation, residence, and past history of at least half of the candidates on the ticket." Governor Baker desires power to remove any official.

The lobby still annoys. A law to protect the legislature against it is advised by Governor Richards and Governor Green, who promises to call attention by name to some notorious lobbyists if they again put in an appearance. Governor Christianson would remind the ladies and gentlemen of the lobby that they should begin by converting the people of Minnesota, rather than the governor or the legislature. The rivalry among the representatives of machinery houses and book companies may make them talk about one another in such a way that it will be necessary for the prosecuting attorney and the grand jury to find out exactly what they are doing, says Governor Martineau; and Governor Johnston of Oklahoma cautions the legislators against every cash consideration and the purchasing power of influence, wheedling, and coaxing. He describes the methods and wiles of the lobbyist in an effective manner.

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Elections. The repeal of the presidential preference primary law is recommended by Governor Graves, and the enactment of such a measure is advocated in Arizona. Governor Jackson and Governor Pothier differ similarly on absent voting legislation. Improvement in the corrupt practices acts is recommended in Arizona, Massachusetts, and New York, in the last state mainly in the direction of pre-election publicity. The direct primary comes in for a good deal of comment, ranging from hearty approval to rather half-hearted acceptance, but on the whole not unfavorable. Governor Brewster believes that the primary makes the improper influencing of government more expensive and more hazardous than any other system thus far devised. Wholesale forgeries were discovered in connection with the initiative petitions for the repeal of the primary, and more than one-third of the petitions were thrown out. Governor Smith would restore the primary for state-wide offices, and Governor Fisher thinks that in the main the primary has been satisfactory to the people and favors such laws as will insure the free use and the fair count of the ballot. Election laws seem to be unsatisfactory in West Virginia, Arizona and Oklahoma; Governor Adams would remedy the abuses of the primary law of Colorado, without mentioning anything beyond the participation by members of one party in the primary of another. Noting that both parties have declared for modification of the primary, Governor Jackson is unable to suggest a substitute which he regards as any better for Indiana. The unofficial pre-primary convention receives Governor Green's approval as a splendid innovation in Michigan. He would like some rules to make the primary a sportsmanlike contest rather than a rough and tumble fight. The present system of nominations in New Hampshire can be improved, in Governor Spaulding's opinion, and manifest primary troubles remedied, without depriving the people of their right to a voice in the nomination of their officials. The Texas primary law does not afford the best means by which the people may make an intelligent selection of their public officials, holds Governor Moody, who however reserves for a special message his concrete recommendations. If a new primary law is not provided in South Dakota, Governor Gunderson would change the date of the proposal meeting from December to March, "in order to give the people of the state at least one year free from political activities." An open primary pleases Governor Donahey. The direct primary has come to stay in California, confidently predicts Governor Young; and so far as New Jersey is concerned a return to the convention system would, in Governor Moore's judgment, be a backward step. Governor Pinchot is positive:

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"The direct primary must not be destroyed. Whatever its faults, it is the one system of nominations yet devised which gives the people a chance against the politicians. Without it the women of Pennsylvania would lose their best chance to count in public affairs."

Labor. The most frequent comment in this field has to do with the inadequacy of the workmen's compensation laws and recommends an increase in the allowances, shorter waiting periods, or more efficient administration. Governor Hunt invites the Arizona legislature to control the activities and abuses of the private detective agencies which engage in "espionage" in industry. He would require the payment of wages in full in cash and permit no deductions for merchandise purchases at a company store. Governor Smith displays a measure of impatience over the failure, year after year, of the legislature to do more than appoint an investigating committee in response to his proposal of a forty-eight-hour week for working women: "There seemed to be no real reason for the appointment of such committees except to postpone action on these measures, the facts in connection with which are well known." He advocates a minimum wage board with authority, after investigation, to recommend a living wage. He would require a preliminary hearing before an injunction may be issued in labor disputes: "The present practice of issuing injunctions on affidavit has caused disrespect for the courts, for the judicial process, and bitter feeling between capital and labor." Old age pensions are favored in Wyoming, and in Oregon by Governor Pierce. On the whole, labor receives about as little attention from the governors as does agriculture.

Local Government. The state governments generally regard themselves as sufficiently more politically capable than the localities to enable them to guide the activities and desires of the latter into preferred channels. Governor Adams believes in the enactment of proper limitations upon the various taxing bodies of Colorado. The application of the budget law to the local taxing units of Indiana would be beneficial, thinks Governor Jackson, in preventing the use of appropriations made for one purpose for different purposes. The contributions from the tax levy should be made higher, or the terms of the loans shorter, before borrowing by the localities is permitted by special act, according to Governor Fuller of Massachusetts, who also believes that there could be further restriction of borrowing by general law such as will eliminate the necessity of special acts. The auditing of municipal accounts by a state division has already, he thinks, demonstrated its wisdom; and he advises the clarifying of the municipal budget law by definitely fixing responsibility upon the mayor and the council, and the protection of

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the auditor by a reasonable tenure, as the vital factors in the check of unlawful expenditure of public funds. In Minnesota likewise the governor calls for legislation to prevent the further pyramiding of local indebtedness and to require definite tax levies to retire the bonds at maturity, and to make it possible for a group of taxpayers to compel investigation concerning every proposed major expenditure, and, in proper cases, reference to the people. Local extravagance is lamented by the governor of North Carolina, who suggests no remedy except a commission to study the subject, as well as the methods of local government generally. The system of county government is said to be now in its dotage. The state association of county commissioners has recently made a report in which it is asserted that it is impossible for the commissioners to control the budget, that the counties do not know how much it costs to run their governments, and that there is frequent borrowing for current expenses and interest and installments of indebtedness. The legislature is asked to provide several forms of government for county optional adoption such as the commission or county manager form, as well as to require a popular vote on bond issues and to fix a limit on the issue of bonds for current expenses. Governor Smith states that the burden of local taxation is the real one which the people in the rural communities find so heavy. "I appreciate," he says, "that this suggestion is not very popular with political machines because the control of county patronage forms the groundwork of a fighting organization . . . . . The people are gradually awaking to a better understanding of the processes of government and have about arrived at the point where they desire to see political machines survive because of the character of service they render, rather than because of their ability to find additional patronage at the expense of the tax- and rent-payers." The extent of borrowing sustained by property which lies within several local government units is pointed out by Governor Patterson, and the imposition of some restraint on the bonding activities of these units is suggested.

Agriculture. Two unusual suggestions are made for the betterment of the conditions of the rural population. Governor Bulow contemplates a federation of the people of an agricultural state upon a plan to become operative when adopted by eight other states, the purpose being the determination of the cost of production, a reasonable profit, and a minimum selling price for their products. Steps might be taken, holds Governor Trapp, to set up a committee having full authority to represent the agricultural interests of Oklahoma at the national capital during each session of Congress, and pay for their services from the state funds. He is certain that such a delegation would receive courteous and immediate

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attention at the hands of members of Congress representing agricultural states; it would only correspond to the retainers of the other great industries at the capital—manufacturing, professional pursuits, merchandising, banking—adroit diplomats and skillful lobbyists. In Iowa, Minnesota, North Dakota, Kansas, and Missouri—especially the first two—an increase in the stringency of the regulation of banking is outlined.

Prohibition. This subject may be called quiescent. In most states it is not mentioned at all. The system is attacked, at least in its present form, and commended in about an equal number. Governor Ritchie is, of course, opposed to the Volstead Act as an enforcement measure in Maryland. Governor Moore advises the submission of a referendum permitting people to express their views as to the necessity of a change: "In practically every commonwealth in which such a referendum was had, the vote was in the affirmative. New Jersey should remain in the vanguard where it has always been on questions of public importance." In New Mexico a special message renews the request for an effective enforcement act. Governor Smith asks the New York legislature to pass resolutions memorializing Congress to enact a sane, sensible, reasonable definition of what constitutes an intoxicant under the Eighteenth Amendment. In the meantime, he says, the federal statutes and the Eighteenth Amendment are just as much the law of this state as any of our own state statutes; he will remove officials guilty of failure to enforce these measures. In the opinion of Governor Trapp and Governor Pierce, prohibition and the Eighteenth Amendment are here to stay; not five per cent as much liquor is consumed in Oregon today as ten years ago. In Pennsylvania Governor Fisher asserts that the Eighteenth Amendment and attendant prohibitory laws will be respected by all law-abiding citizens, and made effective by every public official: "I shall do my duty." Governor Gore is committed to "unflinching enforcement" and notes progress therein.

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The Regulation of Lobbying. Since 1913, when a committee of Congress investigated the activities of lobbyists in Washington,[3] slight attention has been paid, either in Congress or in the various state legislatures, to the regulation of lobbying. Recently, however, the matter has been raised in a number of states and also in Congress, and there seems to be a desire to reopen the subject in order to ascertain the extent of the practice and how it may best be regulated. In the closing hours of the

[3] See *Hearings*, House Judiciary Committee, 63rd Congress, 2nd Session. Also House Report, No. 570, 63rd Congress, 2nd Session.

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Sixty-ninth Congress, the Senate authorized an investigation of the lobbying which is alleged to have taken place in connection with the passage of the McFadden banking bill.[4] Governor Green of Michigan has suggested to the legislature of that state the passage of a law regulating the activities of legislative agents,[5] and in Missouri and Texas the representatives of special interests have been accused of bribing legislators.

In the last decade, there has been an amazing development of the practice of employing legislative agents to represent special interests during the sessions of legislative bodies.[6] This development has gone on so rapidly that today it is clear to experienced observers that the influence of these organized and well-represented groups is very potent in determining legislation, and in many cases it is even overwhelming and decisive. One writer refers to the lobbyists in Washington as "the third house of Congress."[7] Other observers describe the swarm of lobbyists who attend the sessions of every state legislature. Everywhere it is evident that all substantial interests in a state or in the nation now consider it highly expedient to be represented before legislative bodies by an agent or agents.[8]

The practice is, of course, not particularly new,[9] but never before have legislative bodies been subjected to such a continuous and powerful bombardment from private interests as at present, and never before has the practice of lobbying been carried on with such great resources and

[4] *Congressional Record*, vol. 68, p. 5681 (March 4, 1927).

[5] Inaugural address, January, 1927.

[6] *Literary Digest*, LXVII, 58–60 (Oct. 30, 1920), has a list of the lobbyists in Washington. In Frank R. Kent, *The Great Game of Politics*, 271, there is an interesting discussion of the activities of these lobbyists.

[7] He says: "To manipulate legislation at Washington nowadays one does not waste time on personal appeals to members of Congress or in interviewing nominal leaders of the House and the Senate. Rather he seeks out the legislative agents of a few powerful occupational groups, and if he can interest them, his work is accomplished." *Century Magazine*, CIII, 869–876 (April, 1922).

[8] An interesting refinement of the practice of lobbying was used by the Standard Oil Company of Indiana in combatting the gasoline business conducted for a time by the state of South Dakota. The company adopted a method of open advertising to the citizens, running its campaign in 120 South Dakota daily and weekly newspapers in order to present its own side of the case, and also, incidentally, the case for its competitors, i.e., the 194 other privately owned companies which did business in the state. See *Printers' Ink*, Oct. 1, 1925, pp. 113–116.

[9] See *Lalor's Encyclopaedia*, II, 778. Also Theodore Roosevelt, *American Ideals*, 63–66. Also Reinsch, *Readings on American State Government*, 79-84, for Governor Russell's and Governor LaFollette's messages to their respective legislatures on the subject of lobbying. Georgia had a law on lobbying as early as 1877.

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with such finesse. Lobbyists were known several generations ago,[10] but they were not numerous and they operated according to the political fashions of their age, that is, quite coarsely and brutally. They had no qualms about buying legislation openly.[11] Lobbyists today, however, although not noted for their angelic purity, operate quite differently from their predecessors—we hope less objectionably.

It is not unnatural that a matter which the private interests of the country consider so important should receive attention from legislative bodies. The limitation and regulation of lobbying is a problem that affects the legislature first of all. The public interests are also involved, but to protect itself and to enable itself to function in a normal way, the legislature should aim to choke off every practice which denies it any of its rightful prerogatives, and which tends to bring it into public disfavor. And, interestingly enough, investigation discloses that legislatures have not ignored the practice of lobbying, but on the contrary have seen fit to bring it within the scope of state regulation.

Indeed, for the most part quite unnoticed, there has been built up a substantial body of statutory law on the subject. At the present time (1927) there are thirty-two states with laws of one kind or another dealing with lobbying.[12] These laws vary in certain particulars, but in general they follow the same lines.[13] Most of them are rather short, but the better ones are longer and more detailed.

The three provisions of lobbying laws which appear most frequently are, first, the requirement of registration;[14] second, the requirement of

[10] Sen. Doc. No. 51, 50th Congress, 1st Session, gives a description of the Pacific Railway lobby.

[11] *Testimony before the Legislative Insurance Investigating Committee of New York*, II, 1925, ff.

[12] These states are as follows: Alabama, Arizona, California, Connecticut, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

[13] Several other states, such as Pennsylvania and Arkansas, have laws penalizing the bribery of legislators, but these laws do not regulate the activities of legislative agents, and hence cannot be called lobbying laws. See Pennsylvania Statutes, Supplement, 1924, Sec. 13850 a-8; and Digest of Statutes of Arkansas, 1921, secs. 2569, 2570.

[14] The following states require registration: Georgia, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Rhode Island, South Dakota, and Wisconsin.

[15] The following states require the filing of expense accounts: Georgia, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New York, Ohio, Rhode Island, South Dakota, and Wisconsin.

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filing expense accounts;[15] and third, the prohibition of contingent compensation.[16] Many other provisions of value, however, are found in the laws of a few states. Some states, for instance, pay particular attention to the enforcement provisions, in most cases making the attorney-general responsible for the prosecution of violators.[17] Several states prohibit public officials from acting as lobbyists, or from in any way attempting to influence legislation.[18] The Massachusetts law states that "no member of a state or district political committee shall act as a legislative agent."[19]

Several of the state laws are too brief, and hence inadequate. The Utah law is a case in point.[20] The law of West Virginia merely prohibits lobbying on the floor of either house while the legislature is in session, a regulation which is obviously insufficient.[21] This West Virginia law is probably the weakest of all the state laws on the subject.[22] The California and Montana laws are very deftly worded to prohibit any persons from attempting to influence a member of the legislature "by menace, deceit, or suppression of the truth."[23] This provision, of course, still permits some of the most dangerous lobbying to continue unabated.[24] Several of the state laws have been carefully drawn. Among states possessing the best laws may be mentioned Wisconsin, Indiana, New York, and Ohio. The law of Wisconsin is probably the most stringent of the four.

Along with the question of how many laws there are on the statute

[16] The following states prohibit contingent compensation: Georgia, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New York, Ohio, Rhode Island, South Dakota, and Wisconsin.

[17] Indiana Annotated Statutes, 1926, Sec. 8115; and Wisconsin Statutes, 1919, vol. 2, sec. 4482.

[18] In his message to the California legislature in 1923 Governor Richardson suggested the passage of a law preventing state employees from exerting undue influence upon the members of the legislature.

[19] General Laws, 1921, vol. 1, Chap 3, secs. 39–50.

[20] Compiled Laws, 1917, sec. 7949.

[21] Barnes' Code, 1923, Ch. 12, secs. 19a (1)–(4).

[22] In Michigan, where the governor is recommending legislation to regulate lobbying, both houses have for years passed rules which prohibit persons other than legislators and state officials from having access to the floors of the two houses. See House Rule 2 and Senate Rule 74. Other state legislatures have similar rules, but they are not enforced.

[23] California Penal Code, 1923, secs. 85, 89; and Montana Revised Code, 1921, secs. 10838, 10846.

[24] The penalties provided in the various state laws include both fine and imprisonment. Fines range from $50 to $5,000, and imprisonment ranges from ten days in Missouri to twenty years in Montana.

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books, it is quite as important to ascertain whether or not these laws have been effective in preventing the evils legislated against. The experiences of Ohio, New York, and Wisconsin give us considerable light on this phase of the subject.[25]

In Ohio, where there is a good law, lobbyists have been rather careless about observing its provisions. Furthermore, there has been little or no interest, either in the legislature or outside of it, in holding them to the strict letter of the law. In 1921, one hundred and sixteen lobbyists registered according to the provisions of the law. In 1925, one hundred and ten registered. The interesting fact about the registrations in 1925 is that most of them were made after the senate had passed a joint resolution asking the secretary of state to inform the legislature how many lobbyists had registered. Another provision of the Ohio law which requires lobbyists to file expense accounts showing the expenditures made to influence legislation has not been of any value; a perusal of the expense accounts which have been filed shows that in every case the lobbyists have said, "received nothing and spent nothing." It can thus be seen that the Ohio law has not been carefully enforced and has not eliminated the evils which accompany unrestricted lobbying.

In New York, where there is a good law on the subject, some of the most flagrant cases of sinister lobbying can be found. Early in the 1927 session a member of the legislature complained that a lobbyist actually stood beside the clerk and checked up to see how the various members voted on a proposition in which he was particularly interested. It is very well known at Albany that lobbyists do practically as they please, ignoring at least the spirit of the lobbying law. From the point of view of wording, the New York law is a good measure, but it has by no means been sufficient to cope with the problems presented by the presence of innumerable lobbyists.

The Wisconsin law, which is one of the most thoroughgoing and stringent in the country, forbidding, as it does, all influencing of members except by means of public testimony or statement, has in general been successful. The attorney-general reports that there have been no prosecutions under the law. It has been complied with very generally and no one attempts to appear before the legislature or to engage in lobbying without registering and complying with the terms of the act. The law seems to be not only a good one, but also effective.

If it were necessary, it could be demonstrated that in other parts of the country the laws on the subject have not worked out as satisfactorily as a

[25] A complete study of the operation of anti-lobbying laws would necessitate visiting thirty-two states. These three states appear typical.

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reading of them would indicate.[26] The experience, therefore, which the various states have had with lobbying laws hardly indicates that the problem of regulating lobbying has been solved, or is even under reasonable control. The anti-lobbying laws are thus like many other laws which have been placed on the statute books only to be forgotten and never to be enforced.[27]

Of course it is far easier to state the evil than to suggest the remedy. But if legislatures really intend to regulate lobbying in an effective way, they should have no more difficulty with this subject than with a number of others for which they have already legislated effectively. In any event, the enforcement provisions of the law should be carefully drawn, for the value of the law depends almost entirely upon the effectiveness of its enforcement. Some person must be made responsible for the enforcement of the law, because what is everybody's business is nobody's business.

Furthermore, it might be wise to give some proper official the power to demand under oath, before a measure finally becomes law, a detailed statement concerning the methods used and the money spent on that measure.[28] This provision would make enforcement more effective and would tend to deter improper practices, because of the fear of publicity. Publicity is the weapon which seems most likely to accomplish the defeat of all activities inimical to the public interest. Consequently, whatever will bring lobbying out into the open, or will throw the light of publicity upon it, should be attempted.

It is also a matter of importance to indicate properly what is meant by the term "lobbyist."[29] It is an essential part of any good statute, whenever there is the least doubt, to define the terms included in it, and since there is considerable difference of opinion about the term "lobbyist," a definition is very necessary. Some state laws neglect to do this, and the

[26] In Missouri at a recent session only five lobbyists registered. Mathews, *American State Government*, 202n. For California see *National Municipal Review*, XII, 375–376.

[27] See my *Party Campaign Funds*, Chap. VIII, for a description of the ineffectiveness of state corrupt practices acts.

[28] See provisions of the Maryland law giving this power to the governor. Annotated Code, vol. 1, Art. 40, secs. 4–15.

[29] The Michigan legislature recently struggled with this question for a week without arriving at any satisfactory conclusion. Finally they procured what they called a "treatise" on the subject and appeared to satisfy themselves with the definition contained therein, namely, "persons frequenting halls of legislation with a view to influencing legislation; any one who hangs around seeking to influence members."

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omission is quite serious, because unless the law definitely states what constitutes lobbying, all those who attempt to influence legislation will claim that they do not come within the terms of the act—that someone else was intended. The law thus becomes useless and soon is relegated to the legislative scrap heap. Consequently, a careful definition seems necessary to a good lobbying statute.[30]

Finally, the general provisions regarding registration, filing of expense accounts, and prohibition of contingent compensation should be included in a good law. No law thus far is really effective in regard to filing expense accounts. The trouble is that the expense accounts, if filed at all, are made public too late to affect the legislation for which money may have been expended. It is likely that a period of one week only should be allowed for filing expense accounts after the legislature has adjourned. Thirty days is too long a period, because in most cases it does not even permit the governor to veto a bill, by reason of excessive expenditures in its behalf, in time to count.

Although lobbying flourishes at Washington, Congress has not seen fit to regulate it. Scarcely an important bill passes without some complaint being made that a highly paid lobby has unduly interfered with its enactment. Congress is thus lagging behind the states in the matter of regulating lobbying, even though, as has been pointed out, the mere existence of a law does not ensure the elimination of all evils connected with the practice. Perhaps, after all, we should agree with the farmer who suggested that the only way to keep track of lobbyists is to require them to wear yellow ties. It is certain that mere legislation has its limits, and until a legislature can be found all the members of which refuse to have any private dealing with the representatives of special interest, it is likely that some of the most sinister forms of lobbying will continue. Few lobbyists, for instance, object to being registered, because this requirement does not prevent them from influencing legislators; and the experienced lobbyist can work effectively even though barred from the floors of the houses. But, even so, a good lobbying law places the legislature in a strong position to protect itself from the assaults of privilege-seeking agents, and tends to penalize those who are trying to live on its favor.

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[30] See Indiana Annotated Statutes, 1926, sec. 8108, for a careful definition of terms.

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NOTES ON ADMINISTRATION

EDITED BY LEONARD D. WHITE

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The Trend Toward Administrative Naturalization. Three brief paragraphs included in a recent statute add an important chapter to the substantial, even though gradual, evolution which is taking place along administrative lines in the naturalization system of the United States. The law in question was one of the last enacted by the first session of the Sixty-ninth Congress, being approved by President Coolidge on June 8, 1926. It authorizes judges of the United States district courts to designate examiners or officers of the bureau of naturalization, including the naturalization service, to conduct preliminary hearings upon petitions for naturalization and to make findings and recommendations thereon to the court. To realize the measure's full import, one must briefly review the status of the naturalization courts and the relationship which has existed between them and the administrative branch of the federal government since naturalization began on a national basis.

As the Supreme Court of the United States has recently said, "the function of admitting to citizenship has been conferred exclusively upon courts continuously since the foundation of our government."[1] Almost immediately after the government began to function under the Constitution, the first federal naturalization law—that of 1790—was enacted. It granted authority to admit aliens as citizens to "any common law court of record, in any one of the states."[2] This was soon followed by the act of 1795, extending the power to naturalize to "the supreme, superior, district, or circuit court of some one of the states, or of the territories northwest or south of the river Ohio, or a circuit or district court of the United States."[3] A statute of 1802 provided that an alien might make his application to "the supreme, superior, district, or circuit court of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States."[4] In the second edition of the Revised Statutes of the United States (1878),

[1] Tutun *v.* United States; Neuberger *v.* Same, 46 S. Ct. 425, 426; 70 L. Ed. 456, 458.

[2] Act of March 26, 1790, Section 1; 1 Stat. at L. 103.

[3] Act of January 29, 1795, Subdivision 1, Section 1; 1 Stat. at L. 414.

[4] Act of April 14, 1802, Subdivision 1, Section 1; 2 Stat. at L. 153.

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Section 2,165 gave the power to "a circuit or district court of the United States, or a district or supreme court of the territories, or a court of record of any of the states having common-law jurisdiction, and a seal and clerk"; and Section 2,173 denied it to "the police court of the District of Columbia."

Such was the situation in 1905, when the commission on naturalization appointed by President Roosevelt submitted its illuminating report, containing startling evidence of nation-wide corruption and fraud which had been long continued and of the grossest nature. A representative of the Department of Justice who participated in the investigation was quoted as having said in 1903, referring to the courts[5]: "The evidence is overwhelming that the general administration of the naturalization laws has been contemptuous, perfunctory, indifferent, lax, and unintelligent, and in many cases, especially in inferior state courts, corrupt. . . . . These evils and frauds have existed for years, exist today, and will continue to exist and multiply until radical and stringent changes are made in the naturalization laws and a strict supervision of the administration imposed."

At the time when the commission's report was made, a total of 5,003 state courts and 157 federal courts were naturalizing aliens in the United States. The commission believed that the function should be confined to courts of greater dignity and importance than many of those then exercising it, and so urged.[6] The report, indeed, cited favorably the recommendation of a judge in a northern state that the United States take the work of naturalization entirely into its own courts, with a view to carrying it on in a manner more in keeping with its significance.

Remedies for existing evils were freely applied in the comprehensive general naturalization statute of 1906.[7] This act specifically conferred naturalization jurisdiction upon United States district courts then existing or which might thereafter be established in any state, and those existing in the territories, the supreme court of the District of Columbia, and all courts of record in any state or territory then existing or thereafter created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. By an act of 1917 the same authority was given to the district

[5] Report of the Commission on Naturalization, 59th Cong., 1st Sess., House Doc. No. 46, pp. 21–22.

[6] *Ibid.*, p. 24.

[7] 34 Stat. at L. 596.

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court of the United States for Porto Rico.[8] This restriction naturally reduced the number of courts hearing naturalization cases, and only approximately 2,200 of them exercise such jurisdiction at the present time. Of these, about 200 are federal courts. Courts may naturalize in Alaska, Hawaii, and Porto Rico, but no such authority is vested in the courts of the Philippine Islands (except as to conferring Philippine citizenship), the Virgin Islands, the other island possessions, or the Canal Zone.

The commission of 1905 called attention to the fact that the United States is the only country, except Canada, in which naturalization is a judicial function.[9] But even in this country there has been a gradual extension of the authority conferred upon the administrative bureau of the government which supervises naturalization. Under the legislation of 1906, as amended in 1913, the bureau of naturalization, under the direction and control of the Secretary of Labor, has charge of all matters concerning the naturalization of aliens. The commissioner of naturalization, or, in his absence, the deputy commissioner, is the administrative officer in charge of the bureau and of the administration of the naturalization laws.[10] Section 28 of the act of 1906 gives the Secretary of Labor power to make such rules and regulations as may be necessary for properly carrying into execution its various provisions.[11]

One of the primary purposes in providing for federal supervision of naturalization was to create machinery for inquiry and for the accurate ascertainment of the facts in each case—means which the courts as such did not, and still do not, possess. At first, this inquiry by the bureau of naturalization was made after the petition of the alien was filed with the clerk of court, during the ninety-day period of public posting which the law requires before the petition can be heard by the court. The hearing is on a rule day previously fixed by order of court.[12] This practice of not making any direct contact with the applicant for naturalization until after the formalities attending the filing of his petition was completed had its manifest disadvantages to both the alien and the government and was modified, as hereinafter described.

[8] Act of March 2, 1917, Section 41; 39 Stat. at L. 951, 965.

[9] Report, *supra*, p. 18.

[10] Act of June 29, 1906, Section 1, *supra*, as amended by act of March 4, 1913, Section 3; 37 Stat. at L. 736, 737.

[11] Act of June 29, 1906, Section 28; 34 Stat. at L. 596, 606.

[12] Act of June 29, 1906, Sections 5 and 6; pp. 596, 598.

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An alien arriving in the United States after June 29, 1906, is required by law, at the time of filing his petition for naturalization, to file with it, and have attached to it, a certificate from the Department of Labor showing the date, place, and manner of his arrival. At his request, this certificate is obtained for him by the naturalization authorities from the immigration records required to be kept at the port of entry,[13] and he then appears with his two witnesses before a naturalization examiner for examination preliminary to filing his petition. The normal procedure by which this is made is through examination of the petitioner and his witnesses on the same day and immediately preceding the filing of the formal petition before the clerk of court. It enables the bureau's representative to verify the data as to the applicant's claimed arrival in the United States by the certificate of arrival, and to determine whether he is qualified, the witnesses competent, and the declaration of intention available and valid.

Where remediable defects are disclosed, they are called to the applicant's attention by the examiner, in order that they may be corrected prior to the filing of the formal petition for naturalization. In this way the certificate of arrival may be obtained where it has not been applied for, competent witnesses may be procured where those originally produced are unsatisfactory because not citizens or lacking in the requisite personal knowledge of the applicant, or other defects cured, all prior to filing. Such action seems in entire harmony with the spirit of the following utterance by the Supreme Court of the United States[14]: "The interest of all concerned is advanced by encouraging the presentation of known objections to naturalization at the earliest possible stage of the proceedings; so that the petitioner may, if the defects are remediable remove them, and if not, may adopt, without delay, such course, if any, as will ultimately entitle him to citizenship."

Any defects having been thus overcome, the applicant in the usual case has a reasonable chance of being naturalized without objections being offered by the government. The plan of pre-examination is largely in the interest of the applicant, as well as serving as a protection to the government. The applicant and his two witnesses are saved the extra trip formerly required to meet the examiner for investigation on some date after the petition had been filed, thus reducing the necessary trips to two—one prior to filing the petition, and the other at the time of the final hearing. This practice obviates much futile work and loss of time

[13] Act of June 29, 1906, Section 1, and subdivision 2, Section 4; pp. 596, 597.
[14] United States *v.* Ness, 245 U. S. 326.

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by the clerk of court, the court, and the naturalization service, and disappointment, delay, and expense to the applicants and their witnesses. It was well established by the close of the fiscal year 1914, although it has been made more effective in later years.[15]

The World War precipitated a situation requiring a procedure different from and more summary than that involving the ninety-day delay, if the thousands of aliens in the armed forces of the country, many of whom were about to go overseas to fight its battles, were to go as persons owing complete allegiance to the country and entitled to its full protection. The act of May 9, 1918,[16] provided that various classes of aliens, and persons not citizens who owed permanent allegiance to the United States, who had rendered or should render certain service to the United States in its armed forces, on government vessels, or on merchant or fishing vessels, should be exempted from some of the usual requirements. They might have their petitions heard immediately, thus eliminating the ninety-day wait. An important proviso, however, was annexed—the applicant must appear with his two citizen witnesses before a representative of the bureau of naturalization and pass a required preliminary examination before filing his petition. Record of this examination was required to be offered in evidence by such representative at the original and any subsequent hearings. The exemption from the ninety-day posting in certain of the classes mentioned was extended by an act of July 19, 1919,[17] until one year after all of the American troops should have returned to the United States from overseas. Since the official date for such return was March 3, 1923, the exemption expired on March 3, 1924. Later, the act of May 26, 1926,[18] was approved. It allows, for two years after its date, the war-time benefits of immediate naturalization to aliens who served honorably in the United States forces between April 6, 1917, and November 11, 1918, inclusive. In all of these cases, and in certain others where the petition may be heard immediately by the court if the applicant is still in the service on a reënlistment or reappointment, or within six months of his honorable discharge or separation therefrom, or while on furlough after honorable service, the applicant must appear with his two witnesses before the bureau's representative and pass the required preliminary examination prior to filing his naturalization petition.

[15] Commissioner of Naturalization, Annual Report for the Fiscal Year Ended June 30, 1914, pp. 23–25; *ibid.*, 1923, pp. 1–4.

[16] 40 Stat. at L. 542.

[17] 41 Stat. at L. 163, 222.

[18] 44 Stat. at L. 654, 655.

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The United States has the statutory right to appear at the final hearing before any court exercising naturalization jurisdiction for the purpose of cross-examining the petitioner and his witnesses concerning any matter touching or in any way affecting his right to admission to citizenship, and has the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.[19] At the final meeting, the facts which have been developed as a result of the prior administrative inquiry by the examiner are presented to the court, to the end that adequate consideration may be given each case and an intelligent decision rendered. To July 1, 1909, court hearings for the preceding two or three years were attended by special assistant United States attorneys in naturalization matters, but since that date the naturalization examiners have performed the duty. The courts generally have welcomed the assistance of the examiners, both in the capacity of investigators and as legal representatives of the United States at the hearings, and have usually accepted their recommendations.

The latest administrative development in the naturalization field is the act of June 8, 1926, whose essential portions read as follows[20]:

Par. A. "The judge of any United States district court, or the senior judge of such court if there are more judges than one, is hereby authorized, in his discretion, to designate one or more examiners or officers of the bureau of naturalization (including the naturalization service) serving as such examiner or officer within the territorial jurisdiction of such court, to conduct preliminary hearings upon petitions for naturalization to such court, and to make findings and recommendations thereon. For such purposes any such designated examiner or officer is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpoena witnesses, and to administer oaths, including the oath of the petitioner to his petition and the oath of his witnesses.

Par. B. "The findings of any such designated examiner or officer upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition required by Section 9, with a recommendation that the petition be granted or denied or continued, with the reasons therefor. Such findings and recommendations shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed

[19] Act of June 29, 1906, Section 11; pp. 596, 599.

[20] 44 Stat. at L. 709–710.

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by the designated examiner or officer. The judge to whom such findings and recommendations are submitted shall by written order approve such recommendations with such exceptions as he may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the commissioner of naturalization.

Par. C. "The provisions of Section 9 requiring the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner or officer has conducted the preliminary hearing authorized by this subdivision; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner, and the witnesses under oath before the court and in the presence of the court."

It will be noted that this act applies only to United States district courts, and not to state courts. Its passage would seem to be a recognition of two important facts—the need of relief by reason of congestion of the district court dockets, and the confidence reposed by the federal judiciary in the integrity and ability of the examiners and officers of the bureau of naturalization, including its field service. The Secretary of Labor and the commissioner of naturalization had for years recommended legislation of this character, and Chief Justice Taft and other leading representatives of the federal bench appeared before the House committee on immigration and naturalization and urged the plan.[21]

Since an average of more than 150,000 petitions for naturalization are filed annually, with a substantial proportion of them in the United States district courts,[22] the importance of the new procedure is apparent. Undoubtedly it will mean that a prospective petitioner who is near both a state and a federal naturalization court where the new procedure is in effect will select the latter because of the greater convenience to himself and his witnesses. The saving of time and labor to the judges can hardly be over-estimated.

[21] Report No. 1328, Amend and Supplement the Naturalization Laws, May 27, 1926, Committee on Immigration and Naturalization, House of Representatives, 69th Cong., 1st Sess., pp. 1–2.

[22] Commissioner of Naturalization, Annual Report for Fiscal Year Ended June 30, 1926, table no. 6, p. 39, and table no. 3, p. 31.

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The preliminary hearings by the designated examiner or officer are held in a naturalization office, or other suitable place, and are open to the public. They are conducted in the orderly and dignified manner which characterizes a regular court proceeding; the examination of petitioners and witnesses under oath is expected to be thorough, courteous, fair, and free from bias or prejudice. Other witnesses than those produced by the petitioner may be called, and material evidence may be introduced by the government at such hearings.

The local administration of the act is directly supervised by the district directors of naturalization, of whom there are twenty-three, one in charge of each of a corresponding number of geographical districts into which the country is divided. Under the direction and control of the Secretary of Labor and the commissioner and deputy commissioner of naturalization, the new legislation is making possible an administration of the naturalization laws more in keeping with the constitutional requirement of uniformity.

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Administrative Reorganization in New York State. In pursuance of the constitutional amendment adopted at the polls in November, 1925,[23] providing for a complete reconstruction of the state administrative machinery, the reorganized state government of New York went into operation on January 1, 1927. The issue had been before the state for fifteen years, and, in general, the electorate was well informed on its merits. Leaders in public affairs of both parties, as well as the city newspapers, were in favor of the change. Public discussion was of a high order—intelligent, to the point, and unusually non-partisan. The New York State Association, the League of Women Voters, and many local civic associations that had favored reorganization for more than a decade, developed well-planned programs of public education. The opposition to the movement came almost entirely from the rural sections, where the newspapers reflected dislike for the principle of the short ballot and the increase of executive power. Editorials in this portion of the press urged the people to vote against every proposal which would take away the voter's right to elect public officials. It was, in general, an appeal to the principles of Jacksonian democracy. In these same papers

[23] See this REVIEW, XX, 76–79 (Feb., 1926).

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could be seen the customary hostility to the large cities; in particular, the fear that more power might be given to New York City was evidenced time and again. Governor Smith was the target of some writers, for it was generally understood that he would be the first governor to operate the new system. The most powerful opposition, although hidden from public view, came from the smaller politicians who saw an end of certain profitable positions. They knew that added responsibility would make a governor more careful about appointments. This under-cover hostility continued throughout the campaign and was in evidence while the legislature was considering the proposals. All opposition, however, proved ineffectual, failing completely to secure even a modification of the plan; reports of changes proved mere newspaper rumors which were not borne out in legislative action. Considerations of party were not directly involved; for in working out the scheme the Hughes commission followed closely the ideas of Governor Smith, and a Republican legislature adopted the plan of the commission *in toto*.

Soon after the election of 1925, the majority leaders of the senate and assembly named a group of citizens "to study the structure of our state government and make recommendations to the legislature" for "information and guidance in framing suitable legislation to combine the functions and departments of the state." Governor Smith also made certain nominations for membership in this body. The first meeting of the resulting State Reorganization Commission, commonly known as the Hughes commission, was held on November 19, 1925, in New York City. It was at this meeting that Mr. Hughes was chosen chairman. Prior to the meeting, there had been some speculation as to the chairmanship. Various names were proposed, including those of certain persons who were known to be hostile to Governor Smith's ideas, and indeed to the whole plan of reorganization. The governor, however, in an open letter, proposed to the members of the commission that Mr. Hughes be selected, and this practically ended the discussion. The opposition could not well resist so appropriate a suggestion, coming from so authoritative a source. Besides, in 1910 Mr. Hughes as governor had proposed reorganization in his annual message, and he was still thoroughly in sympathy with the idea.

To consider the questions relating to the departments created by the amendment, fifteen sub-committees were established as follows: executive and state departments; audit and control, and taxation and finance; law and military and naval affairs; public works; architecture; conservation; agriculture and markets; labor; education; health; mental hygiene

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and charities; correction; public service; banking and insurance; and civil service. The commission also set up an executive committee which served as a coördinating body, holding frequent sessions for hearing the reports of the sub-committees and for dealing with all questions pertaining to the allocation of the functions of the state government as required by the amendment. A final meeting of the commission was held on February 18, 1926, at which the reports of the sub-committees, with the modifications and recommendations of the executive committee, were presented and adopted with a few changes.

In addition to recommendations for the eighteen departments, the commission made general announcements and recommendations as follows: (1) that the proposals pertained only to the civil departments, and not to the legislative and judicial branches of the state government; (2) that the Port of New York Authority, a joint body of New York and New Jersey, was not included in the recommendations; (3) that temporary commissions were not allocated to a department; (4) that no changes were contemplated in the substantive law of the state which did not relate to the structural organization of the state government; (5) that four departments were to be headed by boards, viz., education, agriculture and markets, civil service, and charities, while the others were to be placed under single commissioners with salaries of $12,000 a year; (6) that the tenure of office of department heads should be the same as that of the governor appointing them; (7) that department heads should "be suspended or removed from office by the governor, whenever, in his judgment, the public interest shall so require, but in case of such removal from office, the governor shall file with the secretary of state a statement of the cause of such removal, and shall report such removal and the cause thereof to the legislature at its next session;" and (8) that the reorganization should take effect January 1, 1927, and that the elective officers in office at that time should continue until the end of the terms for which they had been chosen.

The bill-drafting commission of the legislature prepared measures incorporating the commission's proposals on the eighteen departments, and on other pertinent matters, and all became law without any serious modification. The following, in outline, are the arrangements thus adopted and, on January 1, 1927, made effective.

Executive Department. A feature of the New York plan is the executive department, which in most reorganizations is not mentioned. Curiously, however, the governor cannot be the head of this department, because of an oversight by which the amendment failed to except the department

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from the general rule that the head must be appointed by the governor with the consent of the senate. As matters stand, the governor's secretary is head. The department has five divisions: budget, military and naval affairs, standards and purchase, inter-departmental relations, and state police.

The reorganization creates an executive budget with the following procedure: (1) Estimates are to be submitted by the head of each civil department to the governor through the division of the budget on or before October 15 of each year. (2) The governor may revise departmental requests, with power to increase, decrease, or "make such changes as seem to him for the best interests of the state." In this work he is to be assisted or represented by the director of the budget. The chairmen of the finance committee of the senate and the assembly committee on ways and means are to be notified of budget meetings and permitted to make inquiry in respect to all matters, facts, and items included in the estimates. (3) Estimates of the financial needs of the legislature, certified by the presiding officer of each house, and of the judiciary, certified by the comptroller, are to be submitted to the governor by October 15 for inclusion without revision. (4) By January 15, except in the case of a newly elected governor, and then by February 1, the governor shall submit the budget to the legislature. (5) The governor may supplement and amend the budget before final action by the legislature, and not more than thirty days after its submission.

The division of military and naval affairs is under the direction of the adjutant-general, with control over all military and naval activities, including the soldiers' home, the New York monuments commission for the battlefields of Gettysburg, Chattanooga, and Antietam, and the bureau for the relief of sick and disabled veterans. The division of standards and purchase consolidates a bureau of standards which formerly reported to the board of estimate and control, and a department of purchase which previously reported directly to the governor. This new division establishes centralized purchasing, standardization of supplies, and executive control of state printing. The division of inter-departmental relations is to consider the development of plans and methods for furnishing the use of the facilities of one department to another department standing in need of them. The regular members are the assistant to the governor, the commissioner of education, the heads of the departments of health, mental hygiene, and correction, and a representative of the department of charities. A representative of any other department interested may be invited by the governor to meet

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with this board. The state police, which had been an independent organization, is made a division in the new department. The enforcement work of the motor vehicle bureau of the tax department is transferred to this bureau, thus centralizing state law enforcement activities.

Audit and Control. This department is under the direction of an elective officer, the comptroller. In the past the office has had activities which were not concerned with auditing, including the levying and collection of taxes, the administration of licenses, etc. When the state tax department was reorganized in 1921, many of these functions were transferred to it. The present law completes the work by transferring collection of the direct state tax, the stenographer and court expense tax, and the armory tax to the taxation and finance department. The administration of the law pertaining to the licensing of private detective agencies, theatre ticket brokers, steamship ticket brokers, and auctioneers is also transferred to the department. As reorganized, the department audits all vouchers before payment, all official accounts, and the accrual and collection of all revenues and receipts, and prescribes accounting methods. Supervision of the accounts of the political subdivisions of the state is also placed under the control of this department.

Taxation and Finance. This department has been in process of growth since 1915, when a tax department was created. In 1921 a second step was taken by the transfer of tax collection activities. The recent reorganization completes the process by bringing all tax collections into a single department; by assigning the duties of the state treasurer, formerly an elective officer, to this agency; by providing that the functions of the state board of equalization shall be performed by the state tax commission; and by placing the control of the canal fund in the division of finance. The department is headed by a single commissioner appointed by the governor, and has two divisions: (1) taxation, under the state tax commission, and (2) finance, under a single officer.

Law. The department of law is continued without change under the direction of the attorney-general, an elective officer. Nor does the reorganization affect the counsel for the public service commission or the counsel to the governor, who are retained in these same capacities.

State. The secretary of state, who for generations has been elective, is now appointed by the governor. As the general recording office of the state, this department performs functions in regard to elections, charters and dissolves corporations, records the licenses of foreign corporations, controls certain miscellaneous licenses such as trade-marks, peddlers, etc., and is in charge of the land office. The state athletic commission,

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the state racing commission, the port wardens of the port of New York, the Hell Gate pilots, and the state board of canvassers are also added. The department now has complete jurisdiction of all central licenses which do not involve education or public health.

Public Works. The office of superintendent of public works was created in 1878, with functions relating chiefly to the construction and improvement of canals. Successive legislative acts entrusted to the office all manner of important construction projects, and in 1923 the legislature conferred on the public works department authority over highways until then possessed by the highway commission. Three bureaus were created at that time, i.e., canals, highways, and public buildings. Reorganization assigns to this department all functions of the department of public works, the superintendent of public works, the state engineer and surveyor (formerly an elective officer), the department of architecture and of the state architect, the bureau and commission of housing and regional planning, the bureau and commission of fine arts, the canal board, the salt water bays commission, and the harbor masters. The new department is organized in five divisions: canals and waterways, highways, public buildings, engineering, and architecture. The result is to bring together under a single head all the planning and construction agencies of the state. Some question was raised as to the inclusion of the state architect in this department, but proposals that this office should function as a separate department were acted upon favorably.

Conservation. This department consists of five divisions: parks, water power and control, lands and forests, fish and game, and Saratoga Springs reservation. The last three divisions had been a part of the old conservation department and call for no comment. In order to work out a system of state parks, the state was divided into eleven regions. Each region is in charge of a commission appointed by the governor. These commissions are brought under the control of the division of parks through the state council of parks. This body, which is composed of the chairmen of these local park commissions, the conservation commissioner, and the state historian, acts as a central advisory agency in relation to all places of historic, scenic, and scientific interest in the state. The power of the state council of parks in regard to expenditures of funds, the preparation of plans in regard to parks, etc., are subject in all cases to the revision and approval of the state conservation commissioner. Criticism which has been directed at the council of parks for

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its power and its lack of control is thus silenced, for reorganization places responsibility in the department head.

The state has secured jurisdiction over a large number of historical mansions, battlefield reservations, and parks with scientific value. In many cases these have been gifts to the state by local societies, whose members, placed on the board of control, have continued supervision. The new law places all these boards, commissions, etc., under the jurisdiction of the conservation department, with greatly reduced powers.

Water power control began in 1902 with the creation of the flood commission, which became the water control commission in 1915, consisting of the state engineer, the conservation commissioner, and the attorney-general. In 1921, the water power commission was established to deal with grants to individual corporations or municipalities to divert and use waters of the state to develop power. Water power has been a real issue in the state, involving much conflict between state and private development. A single division of water power and control is created under a commission composed of the conservation commissioner, the superintendent of public works, and the attorney-general. An important new feature in the law is that the governor must sign all water power licenses before they become valid.

Agriculture and Markets. The head of this department is the council of agriculture and markets, appointed by the legislature and serving without compensation. An executive officer known as the commissioner of agriculture is appointed by the council. The important change in this activity was the transfer of certain state schools and colleges from the former department of farms and markets to the department of education. The state fair commission, which has been an independent commission, is placed in the department, and will be operated as a division.

Labor. The labor department is not altered by reorganization except to increase the membership of the industrial board, because of the increased work arising from the workmen's compensation law, from three to five.

Education. The department of education is controlled by a board of regents elected by the legislature, with an executive officer, known as the commissioner of education, appointed by the board. The new law does not alter the organization, but adds to the department control over certain schools and colleges which have been administered by the department of farms and markets or by separate boards of trustees. The motion picture commission, established in 1921, is transferred to

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the department. This has caused some criticism, but has been defended on the ground of giving the department of education control over a negative educational agency.

Health. The department of health is not altered materially. The commissioner is appointed by the governor, and by law is required to be a physician, a graduate of a medical college, and to have had ten years of experience in his profession. The public health council, an advisory body consisting of the commissioner and six members, with overlapping terms of six years, is appointed by the same authority. The state institute for the study of malignant diseases is placed under the management and control of the department. The board of embalming examiners is abolished, and its functions are transferred to the health department. Certain other departments of the state government exercise health functions, and will continue to do so, such as farms and markets, in regard to dairy products and food; education, in connection with school inspection; labor, in relation to industrial hygiene. The Hughes commission recommended that no change be made in these activities, because no benefits would be derived either by reduction of expense or by greater efficiency of operation.

Mental Hygiene and Charities. Previous to the reorganization, each important welfare activity had associated with it a board of managers or a commission, composed of public-spirited citizens appointed by the governor, with varying powers of control. The problem of the Hughes commission was to utilize these boards and at the same time carry out the terms of the constitutional amendment by creating a departmental organization which would be centralized and responsible. This was solved by retaining the boards of managers as boards of visitors with only advisory powers. A second problem was to create a plan by which these two departments, and the departments of health and education might coöperate on all problems in which mutual interests were involved. This was solved by the creation of the division of inter-departmental relations in the executive department. An allocation of institutions was made to the departments of mental hygiene and charities on the basis of the special activities of these departments. Each state institution will be in charge of a superintendent appointed by the head of the department with the approval of the board of visitors of that institution. Removals may be ordered by the department, or by the governor subject to civil service regulations.

The department of mental hygiene is headed by a commissioner who must be a physician and a graduate of a medical college, with ten years

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of general medical experience, and with five years of experience in the care and treatment of persons afflicted with mental diseases, in an institution conducted specially for that purpose. The department has three divisions: mental diseases; mental deficiency and epileptic diseases; and prevention.

The state board of charities, a constitutional board, is the head of this department, with a chief executive officer, known as the director of state charities. Three divisions are provided for: visitation and inspection, under the supervision of the executive secretary; administration of institutions; and special welfare interests. The heads of the last two divisions are appointed by the state board of charities.

Correction. The department of correction, headed by a commissioner, combines all the functions of the superintendent of state prisons, the superintendent of prison industries and the prison industries board, the state commission of prisons, the state probation commission, and the board of parole for state prisons. Four divisions are provided: administration, with general supervision over the custody and discipline of all prisoners, and over the maintenance of all institutions under the jurisdiction of the department; prison industries, with supervision over all industries in state prisons and reformatories; parole, under the control of the state board of parole; and probation, under the state probation commission. A state commission of correction is created, consisting of the commissioner of correction and seven other persons appointed by the governor. This commission has the power of visitation and inspection formerly vested in the state commission of prisons. All wardens are appointed by the commissioner of correction. As in the case of the institutions in the departments of mental hygiene and charities, the boards of managers for the state reformatories are continued as boards of visitors, but under the jurisdiction and control of the department. Superintendents of these institutions are appointed by the commissioner of correction, with the approval of the board of visitors. In case of disagreement, the governor may appoint.

Public Service. A department of public service is created with two divisions: the state division, under the jurisdiction of the public service commission of five members, appointed by the governor for ten years; and the metropolitan division, formerly known as the transit commission, of three members appointed by the governor for nine years. The state division is in charge of up-state public utility regulation and the metropolitan division is responsible for New York City. One important change involves making uniform the method of removal of

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commissioners. Formerly, members of the public service commission were removed by concurrent resolution of the legislature, and members of the transit commission by the governor. The new law provides for removal by the governor in both cases. Except in this respect, the changes made by the reorganization are not significant.

Banking and Insurance. The departments of banking and insurance were continued without modification under the control of superintendents appointed by the governor.

Civil Service. The reorganization code provided for a department of civil service, with the civil service commission as head. This commission consists of three members appointed by the governor for overlapping terms of six years. Various proposals were made to the Hughes commission for statutory and administrative changes, but none of them found their way into the recommendations.

The recent administrative reorganization in New York furnishes one of the very few illustrations of a state government being rebuilt according to a definite plan. Criticism of certain features is possible, such as the retention of the volunteer boards and the use of commissions, but a *plan* was followed by the Hughes commission and by the legislature. As has appeared, the outstanding features of this plan are: integration of similar activities, the executive budget, centralized purchasing, the short ballot, and centralized responsibility in the governor. The governor today has both power and responsibility. In the appointments which he has made under the new system, Governor Smith has evidenced a sincere desire that the reorganization shall prove a complete success. Early in February, too, the first "cabinet meeting" of all heads of departments was held, and it is intended that such meetings shall continue to be held regularly, at intervals of two weeks.

Before the legislature adjourned in 1926, a new reorganization commission was created consisting of four members of the senate, five of the assembly, and two to be appointed by the governor. This commission held meetings during the summer and fall of 1926, as well as conferences with the governor, and prepared bills for the legislature. The farther changes suggested from this source have not, however, as yet been adopted, and are not discussed in the present article.

Four constitutional amendments are necessary to complete the work of reorganization. (1) An amendment providing for a four-year term for the governor will be submitted to the voters in November, 1927. It contemplates holding gubernatorial elections in presidential years,

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and—on this ground and others—opposition has become so strong that ratification is far from assured. (2) The constitution will have to be changed to allow the governor to become the head of the executive department. This is a matter of detail. (3) An amendment is expected to provide for a constitutional rather than a statutory basis for the budget. (4) A change in the constitutional term of the senate from two to four years, and of the assembly from one to two years, will complete the reorganization plan. Details will have to be changed from time to time; but, in general, New York has set a standard in administrative reorganization that is worthy of emulation.

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NOTES ON MUNICIPAL AFFAIRS

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Municipal Developments in the United States and Canada. The year which has passed since the publication of the previous "Notes on Municipal Affairs"[1] has not been extraordinarily eventful. No important changes of structure have taken place in the government of any of the major cities of the country. No elections of great general significance have been held. The Supreme Court of the United States, however, rendered a decision upholding the constitutionality of comprehensive "zoning" ordinances which is of great prospective importance. The movement for the integration of metropolitan communities has had some very interesting developments. In addition, a number of minor events have had aspects of interest worthy of at least brief comment.

Structural Changes. The city manager movement has evidently suffered a material retardation. From April, 1926, to date only about a dozen cities have adopted the plan. The most important of these are Oklahoma City (population 91,295) and Hamilton, Ohio (population 39,675). The latter rejoices in a "Hatton" charter. Over a like period, in an equal number of cities the plan was defeated at the polls. On June 21, 1926, the people of Minneapolis rejected a manager charter by a vote of 56,681 to 27,341. Seattle voted twice on the subject, in March and in November. On the first occasion a manager amendment to the existing charter was defeated. This was followed by the election of a charter commission which presented, at the November election, a hybrid charter scarcely describable as of the manager type. It provided for popular election of the mayor, controller, city treasurer, and corporation counsel. The council was given power to appoint, besides the manager, not only a library board, civil service commission, and welfare commission,but a police commission as well. The budget was to originate with a board consisting of the mayor, manager, and controller. The matter of purchasing was likewise entrusted to a similar board. The serious friends of the manager plan refused to support this strange charter and rejoiced in its defeat.

In November the electors of two cities resolved to abandon manager charters which had been in operation for several years. In the case of Santa Barbara, California, this action took the form of the adoption

[1] See this REVIEW, XX, 361–378 (May, 1926).

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of a charter of the mayor and council type modelled somewhat upon that of Los Angeles. Auburn, New York, voted, under the terms of the home rule law of that state, to draft a mayor and council charter. Its manager charter, in force since 1920, will continue in effect, however, until the new charter is drawn and ratified by popular vote, which may be never.

Pasadena, California, voted on November 2, by a two to one majority, to retain its present city manager government. At the same time the people approved an amendment requiring the votes of five of the seven members of the council to remove the manager. Henceforth each member of the council is to be a resident of one of seven districts into which the city is divided for the purpose.

The most interesting event falling under this head, however, is the decision of the people of Newport, Rhode Island, at the November election, to abandon the unique form of government which has been theirs for the past twenty years in favor of the city manager plan. Legislative action is necessary before the new charter can go into effect, but, whatever the outcome, it is very significant from the point of view of the political scientist that the "Newport plan" has at length exhausted the patience of its native city. Newport at present has the largest city council in the United States—195 members. Thirteen are elected every two years from each of five wards for terms of six years (before 1921, yearly for three-year terms). To this huge body are entrusted the adoption of ordinances, the making of appropriations, and the appointment of all of the principal executive officers of the city. The mayor and five aldermen, elected by the people, are charged with duties of secondary importance, particularly the supervision of the work of the administrative departments. The motive for adopting this system was to approximate "town" conditions, the "representative council" standing in the place of the town meeting and the mayor and aldermen in the place of the selectmen. Newport's experience is much in point at a time when Brookline and other Massachusetts towns are adopting the "limited town meeting" idea, which is the Newport plan under another name. The "representative council" was at first a success because of the public interest in it as a new device. As time went on, however, it became increasingly difficult to get men of the desired reputation and capacity to stand for election or to attend meetings if elected.

Zoning Constitutional. Probably the most important constructive effort of American municipalities today is that attempt to control their

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own future which we know as "zoning." The moment, however, that restrictions on the use of private property have gone beyond the prohibition of what are clearly nuisances, they have been confronted with the "due process" clauses of state and national constitutions. The courts of only a few states have been called upon to decide the issue thus raised between private rights and community welfare, largely because of the caution with which the "zoning" principle has been applied; and up to the present time the score has been nearly evenly divided between courts which have sustained and those which have refused to sustain zoning ordinances. The recent decision, therefore, of the United States Supreme Court in the case of Village of Euclid, Ohio, *v.* Ambler Realty Company (47 Sup. Ct. Rep. 114) upholding the constitutionality of a comprehensive zoning ordinance is of great significance, not only as settling the attitude of the federal judiciary, but for its persuasive effect upon the courts of the states in which the constitutionality of zoning has not been finally determined. The ordinance in question divided the village into six use districts. A portion of the plaintiff's property fell in highly restricted districts, and he began this proceeding in equity for the purpose of setting aside the ordinance as a present invasion of his property rights. Without committing itself on the specific provisions of the ordinance, the Court declared that the ordinance "in its general scope and dominant features, so far as its provisions are here involved, is a valid exercise of authority."

Integration of Metropolitan Areas. The problem of regional government has continued to occupy a prominent place in the attention of all students of city affairs. The committee on the government of metropolitan areas of the National Municipal League, of which Professor Frank J. Somers is chairman and Mr. Paul Studensky secretary, has conducted a widespread investigation of the subject in various parts of the country. In several localities efforts have been made toward the solution of their particular metropolitan problems.

1. *Detroit.* The Detroit Board of Commerce and allied organizations were instrumental in having submitted to the voters of Michigan last November an amendment to the constitution authorizing the legislature to provide by general law for metropolitan districts consisting of "any two or more cities, villages or townships, or any combination or parts of the same" for the purpose of acquiring, owning, or operating certain public utilities, including parks, drainage, water, light, power, and transportation facilities. This amendment was defeated at the polls, probably through lack of popular understanding of the situation of Detroit and

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its environs. It was again introduced in the 1927 session of the legislature, promptly repassed, and placed on the ballot for the spring election of this year.

2. *St. Louis.* The Missouri constitution of 1875 provided for the division of the then St. Louis county and for the establishment of the city of St. Louis as a consolidated city and county by means of a home rule charter to be ratified by the people. This provision was promptly acted upon, and in 1877 the city of St. Louis, enlarged to its present boundaries, became a county distinct from the old St. Louis county. The years since 1877 have seen the population of St. Louis fill up the vacant spaces within these limits and expand into the county outside. In 1920 the city had 772,897, and the county 100,737, inhabitants. The great majority of the county dwellers are to be found in the cities and towns closely adjacent to the great city. As in most similar cases, the suburban area consists in part of high class residential cities well governed and amply provided with all essential urban services, and in part of unincorporated districts where lack of sanitation and police regulation menace the safety of the whole community. St. Louis, too, has a natural ambition to expand her boundaries and population. In 1924 a constitutional amendment was adopted providing for the creation of a board of eighteen freeholders, nine from the city and nine from the county. The powers of this board were limited to the adoption of one of the following alternatives and to supplying the details necessary for the execution of the plan selected: (a) to merge the county of St. Louis in the city of St. Louis (already a county by itself); (b) to extend the boundaries of St. Louis county to include the city and provide for the reorganization and consolidation of their governments; (c) to annex a portion of the county to the city.

No sooner had the freeholders met than it became apparent that there was an irreconciliable difference of opinion between the city and county members. They deadlocked nine to nine up to within thirty-two hours of the time which the amendment allowed them for the completion of their task. Then one county member, in order that the people might have a chance to pass upon the issue in some form or other, joined with the city members in proposing a form of the first alternative. This measure provided for the complete amalgamation of the two units under the existing government of the city of St. Louis. The area involved was 548 square miles—of which 61 were within the present limits of St. Louis —much larger than the area of any existing city in the world. Los Angeles, actually the largest city in area, has 365 square miles, while

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New York has 298. No concession whatever was offered to the local patriotism of the fine residential cities of the county. No account was taken of the differing conditions of such an enormous area, including about 200,000 acres of agricultural or unoccupied land, except by a provision for a differential in taxation in favor of the rural sections. The constitutional amendment required the freeholders' proposition to be submitted to the voters of the city and the county separately, and to be carried in both before it could become effective. The result in the city was a foregone conclusion, but in the county a bitter battle was waged. Not only was amalgamation fought, as might be expected, by the county politicians, but the citizens of Webster Grove and other suburban communities made it clear that they put a high value on their independence, especially as it related to police and school affairs. The result was the overwhelming defeat of the freeholders' proposal in the county.

3. *Montreal.* In order to alleviate the financial difficulties of some of the smaller municipalities of the island of Montreal, the Montreal Metropolitan Commission was created in 1921. It consists of fifteen members representing Montreal and fifteen other municipalities, the less important of the latter being grouped into districts for this purpose. Its powers were originally purely financial. It could borrow money for the purpose of aiding distressed municipalities, with the attendant powers of auditing their accounts and controlling their budgets. It was given also the power to approve or disapprove loans proposed by any of the member communities except Montreal. In fact, it has become the custom for the commission, in the case of all approved bonds, to issue the bonds itself and then collect the necessary funds from the city or town concerned. In this way the smaller places have secured more favorable interest rates. So successful was the operation of the commission that it was soon given the duty of planning for a boulevard across the whole island. Now it is proposed by the representatives of some of the larger suburbs to establish a Greater Montreal. These proposals, as stated by Mr. Frederick Wright in the *National Municipal Review* for January, 1927, are as follows: (1) "that each of the sixteen municipalities (including the city of Montreal) now forming part of the area under the control of the Montreal Metropolitan Commission should become a borough of a central authority; (2) that the council of the central authority be composed of representatives of each of the boroughs[2] in proportion to the taxable values or population, or both; (3) that the

[2] To be elected by the councils of these boroughs.

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central authority take over all the powers and duties of the Metropolitan Commission; (4) that the central council be endowed, in addition, with the powers and duties of the present municipalities in regard to water supply, main highways, main drainage and sewage, transport, town planning, hospitals, and metropolitan police; and (5) that the central council exercise an approving supervision over local by-laws concerning house drainage, sanitation, construction of buildings, markets, and loans."

4. *Pittsburgh.* In "Municipal Notes" of a year ago brief mention was made of the passage of a constitutional amendment by the Pennsylvania legislature at its special session of 1926 authorizing municipal consolidation in the Pittsburgh area. This amendment recently passed the 1927 session and will be submitted to the voters of the state in the fall of 1928. It authorizes the General Assembly "to provide for the consolidation of the county poor districts, cities, boroughs, and townships of the county of Allegheny . . . . into a consolidated city and county of———." To this new unit the legislature may transfer present powers of the county and its divisions as may seem desirable, subject to certain important limitations. In the first place, the charter of the consolidated city must provide for the continued existence of the present cities, boroughs, and townships as municipal divisions of the consolidated city, under their present names and forms of government.[3] To these municipal divisions are specifically reserved certain powers, among which the most important are (a) the power to lay and collect taxes, (b) the power "to acquire, own, construct, maintain and operate or contract for all kinds of public property, works, improvements, utilities or services," principally for the use of the inhabitants thereof, and (c) the power to maintain a local police and fire department. When passed by the legislature, the charter is to be subject to the double hazard of securing a majority of votes cast on it in the county as a whole and a *two-thirds* majority in a majority of the civil divisions of the county. The two-thirds requirement was the result of an amendment introduced during the first passage of the resolution through the legislature.

The nature of the problem faced by the "commission to study consolidation in counties of the second class" can be understood from the following note supplied by the chairman of that body.

Pittsburgh Plan of City-County Consolidation. The county of Allegheny comprises the heart of the Pittsburgh district as usually

[3] Pittsburgh may be given another name and divided, and other divisions may, with their consent, be united.

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understood, and includes the city itself, termed by the laws of the commonwealth a city of the second class; three cities of the third class, i.e., McKeesport, Clairton, and Duquesne; sixty-six boroughs and fifty-four townships (of which twenty-five are townships of the first class, governed by a board of commissioners, and twenty-nine are townships of the second class, under the control of a board of supervisors). During the years 1925–26, the boroughs of Carrick, Knoxville, and Westwood and the township of Lower St. Clair have, by the voluntary act of their people, united with the city of Pittsburgh. There are now existing within the county of Allegheny a total of one hundred twenty-four separate municipal units (exclusive of school districts), each operating under its own particular form of government.

Scientific thought is obviously requisite to the development of the whole situation, in order that, while the continued existence and the essential needs of the individual communities are protected and secured the vast problems of the greater community may be rightly solved. The constitutional amendment recently passed by the legislature of Pennsylvania for the second time makes possible the coördination of all the underlying units for the development of service to the united district, yet is so drawn that no one unit may improperly encroach upon the local government or functions of any other unit.

During its existence the commission has considered three possible methods of consolidation: (1) By annexation, either "voluntary," through the action of suburban communities uniting with the city, or by what is termed "forcible annexation." This process might conceivably go on until the natural rural limits are reached, which may or may not be coincident with the present county lines. An example of forcible annexation occurred in 1906, when the legislature authorized a vote in Pittsburgh and Allegheny jointly upon the question of the annexation of the latter community to Pittsburgh. Although the proposal was defeated in Allegheny, it was carried in Pittsburgh by a sufficiently large majority to overcome the opposition of the lesser municipality. (2) By the erection and development, from time to time, as necessity requires, of metropolitan districts, under boards of control, to be established for particular and specified public works or improvements. This is the line of least resistance, requiring a minimum of constructive thought, and for this reason, more than for any other, it has been adopted in various cities in the United States and other countries. The principal objection to this form of development is that it multiplies governmental units, each with a taxing and bonding power

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which may or may not be exercised in full responsibility to the citizens whom the district serves. A second objection of very great importance is that this method does not provide for coherent planning and co-ördinated effort in the solution of the closely related problems of the metropolitan area. In the third place, it would make no change in the census rating of the city of Pittsburgh. The underlying units would continue to exist as before, and their populations would be reported separately, even though socially, physically, and financially they would be to a great extent one. (3) By the application of the principles of federated government. This would involve the creation of a central municipal government for the county (an expansion of the powers of the present county government), to which would be entrusted the management of affairs of interest to the whole metropolitan area, while the existing cities, boroughs, and townships would be continued as municipal divisions to which would be reserved autonomous power in all matters of merely local interest and service.

After much thought and thorough discussion, the commission came to the conclusion that the third method is the only one adapted to meet the extremely complex needs of the Pittsburgh district. The fundamental consideration underlying this decision is the decentralized character of industrial and residential development in the district. Where physical irregularities do not prevent, urban communities tend to grow together so as to present to the observer uninterrupted ranges of factories and homes. They preserve, no matter how large they become, a certain unity. Such is not the case with Pittsburgh. The rugged topography of her site confines the heavy industries, which are characteristic of the region, to water level. The steepness of her hills defies the spread of residences except along lines of transportation which necessarily follow the rivers, creeks, and valleys. A map of the Pittsburgh district, therefore, shows industrial and residential development stretching all over it, like the veins of some great body, but with extensive open spaces cutting off one community from another. So compelled by nature, Pittsburgh inevitably possesses the industrial decentralization which city planners so earnestly advocate for other metropolitan areas in order to relieve congestion. The manufacturing plants are located along the main arteries of traffic in river valley and divergent valley, each with its own separate community.

It is this fact of physical separation that gives extraordinary vitality to the independent local life of the boroughs and townships of Allegheny county. They are natural divisions of the great area which centers on

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the "golden triangle." Each contributes its share to the prosperity that creates the imposing property values of the "hub" of Pittsburgh life. But in doing this the local units have by no means sacrificed their identity; and every motive of theoretic justice and practical expediency demands that in any plan of consolidation they shall not be ignored. On the other hand, the very physical features which make for the separate existence of these local units create problems for all of them which only the strongest coöperative effort can work out.

The conclusions of the commission were first embodied in its 1925 report, and further study and consultation have only served to confirm it in these original opinions. Specific constitutional authorization being, in the judgment of eminent counsel to whom the matter was referred, necessary to the complete carrying out of a scheme of federated city and county government, the commission prepared a new section to be added to Article 15 of the state constitution—a section providing three things which, in the view of the commission, are essential to the solution of the metropolitan problem: (1) the creation of a consolidated city and county government to which may be entrusted the powers necessary to deal with all matters in which the metropolitan area as a whole is interested; (2) adequate guarantees of the continued self-governing status of the existing municipalities, except as they may voluntarily unite with other units; and (3) submission of the whole plan to the double test of a majority vote in the county as a whole and a two-thirds vote in a majority of the one hundred twenty-four municipal units concerned.

In the future, under this amendment, the present county of Allegheny will be known as the city of Pittsburgh, and will be given broader powers not now possible. These powers can then be exercised, at the will of the people, for the benefit of the whole community inside the old county. The new government can act, however, only when its action affects two or more communities, and then for service only. The law will enable the consolidated city to create parks, recreational centers, public utility systems (including rapid transit), and to provide the broadest municipal services for the whole county in the same manner that the county now provides paved highways. The present city of Pittsburgh, with a possible twist of name to distinguish it from the Greater City of Pittsburgh, but with its present boundaries and its own municipal government, will continue to have control of its own local affairs without interference in the affairs of the municipalities of the consolidated city, and without interference by them.

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As offered, this plan represents the opinion of a large majority of the commission, and the unanimous action of the body's executive committee. Municipal experts have pronounced it the most thorough scheme for regional and metropolitan government yet devised, with the greatest possibilities of good to the whole territory, and it will undoubtedly prove a key wherewith to unlock similar problems in other metropolitan areas. It is offered as the only just alternative to forcible annexation on the one hand, and the incomplete and unsatisfactory metropolitan district system on the other.

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The Proposed National Municipal Code of Germany.[4] Although in 1808 the Stein reforms granted Prussian cities a certain measure of self-government, and although the Prussian municipal code of 1853 brought about some degree of uniformity so far as the urban communities of the several provinces of Prussia were concerned (the rest of the German states following the example of Prussia by adopting codes no two of which were alike in their provisions), yet even in Prussia there was, and is, no uniform municipal code. There are indeed no fewer than nine systems of municipal government in that state. In 1923, however, a new municipal code was drafted which, if passed by the Landtag, will give the country a more balanced system of municipal government. In other German states, e.g., Bavaria, Württenberg, Baden, and Saxony, new municipal codes have been adopted since the revolution of 1918.

The constitution of the German Empire made no provision for a system of local administration. Feeling the need, however, of a medium for the expression of common interests, and with a view to creating a sense of municipal unity, the cities of the various states established in 1905 a congress of German municipalities in which there might be an interchange of ideas pertaining to municipal problems. In later days the cities have not been wholly content with this extra-legal and somewhat passive union, and accordingly a measure was drafted and is now pending in the Reichstag which, if passed, will fundamentally change the pre-revolutionary basis upon which all municipal government in Germany is founded. The bill proposes a national municipal code for the republic, and its advocates urge its adoption on the ground of

[4] In the summer of 1925 the writer of this article went to Germany for the purpose of studying at first hand the changes made in the municipal governments of that country since the revolution of 1918. *Man. Ed.*

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uniformity, in order to free Germany from a multiplicity of municipal systems, and incidentally from bothersome and excessive state supervision. The present national constitution takes cognizance of the fact that new conditions have arisen, and consequently grants the national government the right to legislate, either exclusively or concurrently with the states, upon various phases of local government, embracing almost the entire field of municipal activity. The constitution, furthermore, grants the cities the blanket right of universal, secret, and direct suffrage upon the basis of proportional representation. The proposed code, therefore, represents only the completion of the centralizing tendency of the new constitution, whereby most powers exercised by the states before 1918 are curtailed or transferred to the national government. As a well known writer on municipal affairs has recently pointed out, "if the central government proceeds to exercise every ounce of authority which the Weimar constitution conferred upon it, there will be very little left to the states."[5] Almost the entire field of political power is reserved to the national government. State taxation is within the sphere of national legislation. Furthermore, the Reichstag has already passed laws which regulate almost the entire field of public finance, in which, of course, is included municipal finance.[6]

The proposed municipal code[7] had its inception at the annual meeting of the congress of German municipalities in June, 1921. At this meeting a resolution was passed asking for a simplification of municipal administration and freedom from excessive state interference and supervision. A committee was appointed to promote the spirit of the resolution, and reports of progress were submitted at succeeding annual meetings of the congress, along with projects for consideration and criticism. On September 24, 1924, the committee presented a completed draft for a national municipal code; and this instrument, having received the approval of the congress of municipalities, was transmitted by that body to the minister of the interior with the recommendation that it be introduced in the Reichstag as a government bill.

[5] William B. Munro, *The Governments of Europe* (New York, 1925), 618.

[6] Erzberger's tax reform.

[7] The writer is indebted to Herr Weiss, *Oberbürgermeister* of Ludwigshafen on the Rhine, for a copy of the proposed national municipal code, as well as for information concerning the progress of the movement. Herr Weiss has taken a great interest and active part in the movement for the reorganization of German municipal government.

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The proposed code consists of twelve sections, arranged in forty-six paragraphs, and covers in outline the entire field of municipal government. Its salient provisions may be described as follows:

1. *Municipal powers.* The code defines the city as a public corporation such as, at the time of the promulgation of the code as a law, shall be governed as an urban community, having a population of at least ten thousand. All such communities will be entitled to come under the provisions of the code. A state (*Land*) law is to make provision as to whether the adoption of the code is to be mandatory or optional, within its own borders, and as to whether the code shall apply to rural communities.

The code insists on unlimited legislative competence of the city as far as local matters are concerned, with freedom from unnecessary state (*Land*) supervision, and with abolition of costly and retarding processes of appeal to higher authorities. The state is to interfere only in cases of absolute necessity or in instances of delegated duties; and for all expenses incurred by the city through the performance of such duties it is to be reimbursed by the state. The cities are also to manage certain public utilities—the so-called *Versorgungsbetriebe*, or enterprises connected with the most necessary local services, e.g., water supply, gas, electricity, street railways, etc.—traditionally municipally owned in Germany. The code, however, recommends that the administration of such municipally owned utilities be freed by local ordinance from cumbersome governmental methods of supervision and managed under special rules more in accordance with business practices.[8] In the interest of public health and safety the cities are authorized to prescribe, by local ordinance, the compulsory use by the inhabitants of certain necessary utilities.[9]

2. *Citizenship.* The national constitution permits municipalities to require a year's residence as a qualification for voting.[10] The proposed code, however, has in view the reduction of the period of residence to one-half year. This is no doubt a gesture to the laboring class, which travels from industrial center to industrial center, with frequent resulting loss of franchise; and it constitutes a radical departure from the pre-revolutionary attitude of German governing bodies toward the laboring population.[11] The code contemplates that all persons of German nation-

[8] *Entwurf einer Reichsstädteordnung*, Art. VIII, Par. XXXIII.
[9] *Entwurf einer Reichsstädteordnung*, Art. VIII, Par. XXXIV.
[10] Art. XVII.
[11] *Entwurf einer Reichsstädteordnung*. Introduction, Par. III, p. 12.

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ality twenty years of age and over, irrespective of sex, who have resided in the community for a period of six months, shall have the right to vote. Citizens over twenty-five years of age are to be duty-bound to accept office if elected, and if they persistently refuse to accept office as unsalaried members of city councils or in other capacities they may be punished by the city council by being disfranchised for a period not to exceed six years.[12]

3. *Organs of Government.* Problems of organization gave rise to heated discussions on the floor of the successive congresses of municipalities in 1921–24. Which one of the many systems found in Germany was to be incorporated in the code? The Prussian members urged the adoption of the *Magistrat* system, with its bicameral council; while the delegates from the South presented arguments in favor of a unicameral council system, with a "weak" *Bürgermeister.* At first it appeared that the South German system would be given no consideration, and that a hopeless cleavage would be created on sectional lines. Owing, however, to the united efforts of several influential delegates, this system was admitted as a possibility, and in the end, at the congress at Hanover in September, 1924, after a prolonged debate, the *Stadtratverfassung* (conciliar form) of Bavaria was adopted as being the most democratic organization to be found in Germany. However, in order to appease the North, a number of provisions of the *Bürgermeister* system as existing in the Prussian Rhine province were incorporated, thus fusing, to a certain extent, the southern and northern systems.[13] The *Magistratsverfassung*, then, with its bicameral council, was rejected in favor of the single-chambered council and a stronger single executive than that generally found in South Germany.

The city council is to be a deliberative, policy-determining body, charged with supervising the course of all municipal activity. It may demand of the executive and his subordinates an audit of all accounts, and it also has access to all records kept by the administration.[14] The code recommends, too, that the number of city councilmen be not too large, but leaves the working out of the details to state (*Land*) legislation, making only the stipulation that cities of a population up to a million are not to elect more than fifty councilmen.[15] The members of

[12] *Entwurf einer Reichsstädteordnung*, Art. III, Par. VIII.

[13] For an account of the debate in the congresses, see *Zentralblatt für Gemeindeverwaltungen*, No. 15, p. 450 ff (Aug. 15, 1925).

[14] *Entwurf einer Reichsstädteordnung*, Section B, Art. IV, Par. XVIII.

[15] This includes, at present, all cities except Berlin.

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the council are to be elected by universal, direct, and secret vote according to the principle of proportional representation, for a term of four years. Contrary to the present tendency in American municipal government, the code does not recommend the introduction of the initiative, referendum, and recall as a part of the new municipal government. The argument against these innovations was that, since representation is ample and direct, direct legislation is not necessary. The periods between elections are short, and the councilmen are in constant contact with the people. Consequently there is very little danger of their failing to express the will of the people. On the other hand, the initiative, referendum, and recall might disturb the constructive work of the council, and disarrange the steady and purposeful development of communal life.[16] It seemed sufficient to permit under certain circumstances, upon two-thirds vote of the council, the dissolution of the body and the calling of a special election.[17] The *Bürgermeister* is to serve as president of the council and has the right to vote on all questions.

4. *The Bürgermeister.* The *Bürgermeister* is to be elected by the city council for a term of twelve years. Like the city manager in American cities, he may or may not be a resident of the city which he serves. Provision is made for retirement and pensioning. The state legislature may, however, stipulate that the *Bürgermeister* be elected by popular vote, thus introducing a plan which was unheard of in German municipal law prior to the revolution of 1918.[18] The *Bürgermeister* directs and supervises the entire course of municipal administration and divides the work among his deputies and heads of departments (*Stadträte*). He also supervises the police and the execution of the delegated affairs (*Auftragsangelegenheiten*).[19] With the *Bürgermeister* may be associated paid officials, to be elected by the city council for twelve years, and serving as his deputies. Such officials may be granted by state law the right to take part in the discussions of the city council and its committees, with right also to vote on questions affecting their particular departments.[20] The *Bürgermeister* may object to any ordinance of the council which he

[16] *Entwurf einer Reichsstädteordnung.* Introduction, Part III, pp. 12–13.

[17] *Entwurf einer Reichsstädteordnung,* Art. IV, Sect. 3, Par. XII.

[18] *Entwurf einer Reichsstädteordnung,* Art. IV, Sect. C, Par. XXI. Bavaria in 1919 introduced popular election of the mayor, but abolished it in 1924. For a discussion of this matter see *Zentralblatt für Gemeindeverwaltungen,* No. 15, p. 466 (August 15, 1925).

[19] *Entwurf einer Reichsstädteordnung,* Sect. C, Pars. XXV–XXVI.

[20] *Entwurf einer Reichsstädteordnung,* Art. IV, Sect. B, Par. XIII.

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considers contrary to law, and such objection temporarily suspends the enforcement of the ordinance. The council may, however, within two weeks appeal to the administrative courts against the *Bürgermeister's* ruling.[21]

A further provision of the code stipulates that in cities of over 25,000 inhabitants where there is elected a *Bürgermeister* who does not possess legal training to qualify him to serve in a judicial capacity or to be eligible for the higher administrative offices, the city shall appoint at least one salaried official who is thus qualified.[22] This provision will naturally tend to induce city councils to favor legally trained men for the position of *Bürgermeister*. The code also provides that every city shall have at least one salaried official, who may be the *Bürgermeister* or some other official, in case the *Bürgermeister* is an honorary officer. In general, the code emphasizes the necessity for technically trained officials and does not encourage lay encroachment upon the field of professional officials.

For the rest, the relationship of the *Bürgermeister* to various committees, as well as his duties and those of the subordinate officers, do not differ from the well established traditions of German municipal usage.

5. *Finance.* The national constitution grants the general government almost limitless authority in regard to taxation; and, as already noted, the Reichstag has passed laws regulating almost the entire field of public finance. It has reversed the practice of pre-revolutionary days by making the income tax a national tax, thus depriving the municipalities of a considerable part of their revenue. It is true that the Reich is to distribute a certain percentage of the proceeds of this tax among the several states and their municipalities, but there appears to be a feeling on the part of municipal authorities that if the principle of home rule is to be maintained, the power to levy an income tax must be restored to the municipalities.[23] The proposed code seems to be evading this difficult and most complicated problem; as a matter of fact, it allots only two paragraphs to the whole matter of finance.[24] This is, no doubt,

[21] *Entwurf einer Reichsstädteordnung*, Art. IV, Sect. B, Par. xx.

[22] Sect. C, Par. xxiii. For a dissenting view see Bürgermeister Dr. Scheuermann in *Zentralblatt für Gemeindeverwaltungen*, No. 18 (Sept. 30, 1925).

[23] For a discussion of the state of municipal finances in recent years see Stadtkämmerer Dr. Karding, in the *Zeitschrift für Kommunalwirtschaft*, Vol. XVI, No. 20 (Oct. 25, 1925); also pamphlet on "German Cities since the Revolution of 1918," by Dr. Mitzlaff, published as a supplement to the *National Municipal Review*, Vol. XV, No. 11 (Nov., 1926).

[24] *Entwurf einer Reichsstädteordnung*, Art. VII, Pars. xxx, xxxiii.

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due to the realization of the framers that there was no way out of the existing situation, in view of the financial responsibilities assumed by the national government as a consequence of the war.

The code does provide that the finances of the city shall be managed by trained officials, and furthermore that there shall be an independent agency or department in the municipal government for this purpose. The budget system is urged and recommended. Indebtedness is to be incurred only for the purpose of establishing municipal enterprises of a lasting and revenue-yielding kind. A sinking fund must be provided under all circumstances where a debt is incurred. The supervisory authority of the state auditing board is to be exercised to a very limited degree. The incurring of indebtedness may, however, be protested, provided action is taken within a period of fourteen days.

The code as thus outlined by no means meets with the unanimous approval of municipal authorities. In some quarters there is a feeling that it does not go far enough in the matter of centralization; in others there is an evident fear that the national government, by means of the code, will still further absorb state functions. The indications are, however, that in spite of such opposition the code will eventually become law, if not wholly in its present form, at least in its essential provisions.[25]

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[25] For a summary of the attitude of municipal authorities toward the code, see *Zentralblatt für Gemeindeverwaltungen*, No. 16, p. 498 (Aug. 31, 1925).

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FOREIGN GOVERNMENTS AND POLITICS

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The British Imperial Conference. Opinions differ as to the significance of the work of the recent Imperial Conference. That it was the most successful of the conferences yet held does not mean much. For these conferences have in reality contributed little to the conditions of imperial coöperation. Meeting only once in four years, with necessarily little continuity of membership (only three members this year were present in 1923), and coming to problems with which they have had no continuity of contact, the representatives of the dominions can at best solemnly endorse general principles upon which all are agreed, at worst tender advice which in foreign affairs and in the economic sphere has often been ill considered. As Professor A. B. Keith wrote in "Imperial Unity and the Dominions," "it may safely be predicted that if the dominion representatives are to have only such control of or intelligence of foreign politics in their relation to the Empire as they can pick up once in four years at a very much overcrowded conference, they are not likely to benefit the Empire very seriously by their advice."

The common danger and common action of the war period must not lead us to overestimate the political significance of the conferences. Their economic proposals have too often been supported by arguments that were a tissue of fallacies; and whatever may have been the wisdom of the unpublished discussions of foreign affairs and defense, the level of the published political and economic discussions has never been high.

The most important result of the recent Imperial Conference was the report of the committee on later imperial relations. This committee was composed of prime ministers and heads of delegations, with Lord Balfour as chairman. Opinions as to the significance of even this work have not been unanimous. The *Economist* called it "a historic document which will probably take rank among the most important achievements of constructive political thought since the constitution of the League of Nations." While the *Times* found in it essentially "a register of conditions as they exist already, rather than a program for the future." Undoubtedly the *Times* estimate is correct. There is little constructive political thought in the report. Future developments may vindicate Lord Balfour's attachment to the principle of solution by avoidance. But in the report itself every problem of difficulty is postponed. It is

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merely an opportune statement of generalities. The relation of the group of self-governing communities composed of Great Britain and the dominions "may," as the committee says, "be readily defined." The definition is as follows: "They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the crown, and freely associated as members of the British Commonwealth of Nations."

This simply states more formally a remark of Bonar Law in the home rule debate of March 21, 1920. "If," he declared, "the self-governing dominions chose tomorrow to say 'We will no longer make a part of the British Empire' we should not try to force them." It does not by itself—nor does the rest of the report—solve any of the legal problems involved, nor the problem of securing machinery of coöperation for furthering whatever ends or interests these self-governing communities may have in common. It may seem strange that a form of words should have had such a profound effect on the attitude of General Hertzog. It is possible that Mr. Amery did not wish such an affirmation of the obvious to be made and was only persuaded by the combined pressure of Ireland, Canada, and South Africa. If there was any such resistance to overcome it would explain how General Hertzog can feel that South Africa possesses something that she did not possess before. But to those unacquainted with the verbal exigencies of dominion politics it must be a matter of mild surprise that in a commonwealth without a written constitution the power of words should be so great. There were signs in Canada and South Africa that a powerful minority was preparing to say, "We will leave you unless you say we may leave you." The conference having with due solemnity said they may, can it be assumed that they will not?

It is possible that the formal declaration of imperial constitutional rights and conventions contained in the report may go far to solve the problem of coöperation between autonomous states of such varied character as South Africa, Canada, and in the near future India, but it would be unwise not to distinguish between the conditions of the unanimity of the dominions in the late war, which led to their receiving complete equality of status, and the conditions of inter-dominion relations in the future. What Hertzog has secured may seem but a formal declaration of Smuts' conception of a "league of free states." But the context of Smuts' declaration—the common danger of defeat and the common interest of the spoils of victory—was different from that which

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Hertzog has secured. The problem of freedom is now largely within the Empire, e.g., the position of native laws, and the position of British Indians in South Africa and Australia.

Recognizing the negative quality of its definition, the committee added: "The British Empire is not founded upon negations. It depends essentially, if not formally, on positive ideals. Free institutions are its life blood. Free coöperation is its instrument. Peace, security, and progress are among its objects." But, having made these statements of political theory, they were faced by two problems: (1) existing administrative, legislative, and judicial practice did not wholly accord with the theory, and (2) the principles of equality and similarity appropriate to status do not universally extend to function. If Mr. Baldwin's formula was "in essentials unity, in non-essentials liberty, in all things charity," the line between essentials and non-essentials is in the modern world so difficult to draw that only the devising of very flexible machinery could make this aspiration a fact.

The first group of problems—the adjustment of political practice to the theory of equality of status—numbered, after a trivial change in the king's title, three: (a) the position of the governor-general, (b) the operation of dominion legislation, and (c) appeals to the judicial committee of the privy council.

On the first point it is recommended that the governor-general should be the representative of the crown, and not the representative or agent of the British government. The governor-general should be the king in the dominions. He must not therefore be a channel of communication between government and government. Such communication must be direct. This definition of the governor-general's position may make impossible a repetition of Lord Byng's refusal of a dissolution. It is doubtful if the king in England would refuse a dissolution, however disingenuous the minister demanding it. A governor-general, in no way representing the British government, and without the access to impartial advice possessed by the king in England, may not be able to refuse a dissolution to a dominion premier, whatever the condition of parties. It is to be noted that no reference is made to the position of the governors of the Australian states, where disregarding ministerial advice has been more common, and perhaps more necessary, than in the federal government of either Australia or Canada, or in the South African Union.

The operation of dominion legislation presents more difficult problems. They are (1) the disallowance of dominion legislation on the advice of the British government, (2) extraterritoriality of dominion legislation, and

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(3) the intricate problem of merchant shipping legislation. The committee confined itself to stating general principles. The governments of the dominions have the right to advise the crown in all matters relating to their own affairs, and the government in Great Britain must not advise to the contrary. But this right is limited wherever there are "provisions embodied in the constitution or in specific statutes expressly providing for reservation." As the committee recognizes, "there are points arising out of these considerations, and in the application of these general principles, which will require detailed consideration." It is possible that previous consultation between the governments concerned may secure that the king shall not be the recipient of conflicting advice. When, however, India becomes a dominion, it is doubtful if the advice tendered to the king in India will be palatable to the king in South Africa. Nor when Rhodesia and Kenya can claim dominion status will it be possible for the king in England not to receive advice contrary to dominion legislation harmful to the native. It is possible that all of these points will be covered by "provisions embodied in constitutions or in specific statutes expressly providing for reservation." But in that case the legislative autonomy of the dominions is purely formal. The distinction between status and function will come home to men's hearths and bosoms. Is the Canadian constitution to be reënacted by a Canadian parliament? If so, will the exceptional representation of Quebec be retained?

The special problems of existing statutory provisions requiring reservation of dominion legislation, the Colonial Laws Validity Act of 1865, the power of each dominion parliament to give extraterritorial operation to its legislation, and the question of merchant shipping legislation were referred to a committee to be set up in the future. The present committee probably had in mind a comment of Dr. A. B. Keith that "it may be doubted if facile endorsements of general principles without understanding what is involved serves any useful purpose, and legal questions are singularly unsuitable for discussion when they deal with mere points of detail."

On the question of appeals to the judicial committee of the privy council the committee's report is equally vague. "From these discussions it became clear that it was no part of the policy of His Majesty's Government in Great Britain that questions affecting judicial appeals should be determined otherwise than in accordance with the wishes of the part of the Empire primarily affected." In a suit between parties from northern and southern Ireland it would be difficult to say which

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part of the Empire was primarily affected. The question of appeals from the Irish Free State was postponed.

Having dealt with the administrative, legislative, and judicial forms not in accordance with the theory of inter-imperial relations, the committee approached the problem of imperial relations with foreign countries. They say: "The governing consideration underlying all discussions of this problem must be that neither Great Britain nor the dominions could be committed to the acceptance of active obligations except with the definite assent of their own governments." Any government must inform others of the negotiations it intends to conduct, and the definite consent of those likely to be involved in active obligations must be secured. It is possible that by continuous consultation the dominions can smoothly coöperate in foreign affairs. But in suggesting that, to mark the autonomy of the dominions, treaties should be made in the name of the king as the symbol of the special relationship between the different parts of the Empire, the committee is attempting to create a puzzling entity for international law. What does "special relationship" mean if not "common allegiance?" In the event of war, could a dominion avoid active obligations except by formal withdrawal from the British Commonwealth? Every important treaty made by Great Britain may involve the dominions in active obligations. Must Great Britain therefore not make any treaty until she has received the definite consent of the dominions? Is she always formally to exclude the dominions, as under Article 9 of the Locarno pact? Is every member of the Commonwealth to exclude the others in treaties that may involve warlike obligations they are not prepared openly to accept? If so, is it wise to make such treaties in the name of the king, as symbolizing the special relationship between them, to the effect that they will support one another—or, if that be too strong, that they, as united by a common allegiance, must be to an enemy as *one* in war?

Certain special problems of foreign treaties were referred to this committee. It found "a feeling that it was at present premature to accept" the compulsory arbitration under Article 36 of the statute of the Permanent Court of International Justice. The policy of Locarno was formally approved.

The rest of the work of the conference calls for little comment. No part of the foreign secretary's statement on foreign policy, or the resulting discussion, was published—although "the discussion made it clear that the governments of the British Empire remain firmly attached to a policy of peace and to support of the League of Nations as the great

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instrument of peace." It is surprising that the dominions should have found themselves in complete agreement with the foreign secretary's rebuff to the Council of the League on the matter of the questionnaire proposed by the Permanent Mandates Commission.

There were the usual generalities as to the necessity for ensuring the security of world-wide trade routes and regrets that "it had not been possible to make greater progress with the international reduction and limitation of armaments." The representatives of Australia, New Zealand, and India noted with special interest the steps taken to develop a naval base at Singapore.

The problems of the Antarctic, of research, air communication, overseas settlements, workmen's compensation, films, etc., hardly necessitate imperial conferences. They are subjects of continuous correspondence and discussion between the various departments and governments concerned, and the formal statements of acquiescence in the general developments are hardly needed.

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The Elections to the New Hungarian Parliament. When, on January 29, 1927, Admiral Horthy, regent of Hungary, formally opened the reconstructed parliament, declaring that "the happy consolidation of the country permits the reëstablishment of the system of two chambers which corresponds to the national tradition,"[1] a far-reaching step in constitutional restoration was completed. The revival of the oldest parliament in Europe marks the culmination of a political movement which has been in process for the last seven years, and definitely closes a phase, albeit a retrogressive one, in Hungarian constitutional development. The elections which preceded this latest phase of restoration, following hard upon the constitutional revamping of both chambers, are, therefore, significant; they provide, in addition, an interesting example of governmental pressure, upper class control, and oral voting in the midst of a world habituated to the concepts of popular sovereignty, universal suffrage, and the secret ballot.

After four and one-half years of colorless existence, the Second Hungarian National Assembly came to an end last November. Elected in May and June, 1922, under a truncated franchise intended to deprive it

[1] *Le Temps*, February 5, 1927, p. 2, c. 3.

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of real political initiative, it proved, throughout its career, the docile executor of the policies of Count Bethlen. In this capacity its principal accomplishments were the passage of a stringent "defense of the realm" act to repress republican propaganda in the monarchless kingdom, the enactment of the full-powers laws demanded by the financial reconstruction scheme sponsored by the League of Nations, and the carrying through of electoral "reform" preparatory to the reëstablishment of a lower chamber. Almost its last act, on November 10, 1926, was the final passage, with scarcely a jot or tittle of amendment, of the bill, long before it,[2] to reconstruct and rehabilitate the old upper house, or Chamber of Magnates—the traditional incarnation of feudal privilege and ecclesiastical authoritarianism. The avowed intent of the bill, according to the rapporteur, Professor Joseph Illes of the University of Budapest, was "to reëstablish, as far as possible, the constitutional order which existed in 1918."[3] The limitation thus noted as to the possible extent of restoration refers, of course, to the throne and the royal succession—matters which have perforce been kept in abeyance since the deposition of the Habsburgs in 1921.

Once this task of legislative reformation was completed, the Assembly had fulfilled its usefulness, and the Hungarian premier promptly procured its dissolution by the regent on November 16.[4] This permitted the immediate application of the unique electoral law of July 5, 1925, and new elections both for the Chamber of Deputies—the first lower chamber to be elected since before the World War—and for the reconstructed upper chamber or Senate. The dissolution rescript set the dates for the elections to the former for December 8, 10, and 18—scarcely three weeks away—and for the latter, in so far as electoral procedure applied to it, for January 8, 1927.

In the ensuing campaign, the political groupings were few as compared with the parties at the elections to the Second National Assembly, and were roughly divisible into (1) an irreconcilable Right Opposition of Magyar Racists and Legitimists, parties of *révanche* and restoration, (2) a broad government *bloc* of conservative nationalists and agrarians, with some Clerical allies, which had commanded two-thirds of the seats in the last Assembly, and (3) a Left Opposition embracing the only liberal and radical elements. These last elements comprised the Demo-

[2] Cf. M. W. Graham, "The Reconstruction of the Hungarian Parliament," in this REVIEW, Vol. XX, pp. 384–392 (May, 1926).

[3] Cf. *Bulletin Périodique de la Presse Hongroise*, No. 100, November 16, 1926.

[4] *Budapesti Hirlap*, November 17, 1926.

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cratic and Social Democratic parties, representing, respectively, the urban intelligentsia and the organized proletariat. All of these groups forthwith entered into the electoral campaign to present their respective viewpoints and endeavor to rally the country, particularly the rural regions, to their support.

The lines of party cleavage were clear. The Right Opposition denounced the government for its timidity in foreign and domestic policy, and for its failure to settle the question of the dynasty on either elective or legitimist lines. The government *bloc* sought vindication of its policy of the *media sententia* in financial and constitutional reconstruction; while the Left Opposition demanded the restoration of public liberties and the secret franchise, the abandonment of anti-semitism, and the introduction of constitutional democracy.[5]

The period allowed for electioneering being extremely short, the non-governmental parties were taken unawares; they found it difficult to get their electoral machinery in working order and encountered, in addition, extensive official interference with the presentation of candidacies and the conducting of campaigns.[6] "From the beginning of the campaign," writes a French critic, "different opposition groups complained bitterly that the authorities, obeying the orders of the government, systematically prevented their freedom of action, by forbidding electoral meetings requested by members of the opposition, by refusing to receive the candidacy of certain among them, by exercising the most intolerable pressure[7] on the opposition candidates and their electors."[8] That such arbitrary tactics were not applied solely to the Left Opposition is made clear by the complaint of the Racist deputy Eckhardt, son-in-law of the regent, when he withdrew his candidacy in the district of Nagylak,

[5] For a detailed analysis of party issues and programs, cf. *Bulletin Périodique de la Presse Hongroise*, No. 101, December 30, 1926.

[6] An observing foreign correspondent reported that "in the contested districts the gendarmes discovered a remarkable number of voters or signers of opposition candidates' petitions whose straw stacks were a few inches less than the legal ten feet from the dwelling, who have a pig which has not been inoculated, and whose cows had defied etiquette on the public highways." *New York Times*, December 9, 1926.

[7] Charges of wholesale bribery and corruption were made against the government, and complaints became so notorious that M. Szitovszky, the minister of the interior, sent a circular to all prefects, enjoining them to place no obstacles in the way of the propaganda of the opposition candidates—without much effect, if one may judge by subsequent reports and election results. Cf. *Magyarsag* (legitimist), November 20, 1926, and *Pesti Naplo* (radical), November 21, 1926.

[8] *Bulletin Périodique de la Presse Hongroise*, No. 101, December 30, 1926.

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declaring that "in this country where heretofore adversaries faced each other chivalrously, it is impossible to wage a campaign without a revolver in hand. The government is forcing its employees to choose between their honor and their daily bread."[9] Likewise Count Julius Andrassy, the legitimist leader, declared that the authorities so hampered his liberty of action that his electors were subjected to a veritable reign of terror.[10] The evidence of such persons is enough to show that, despite the opportunity for pressure offered by oral voting, the government did not neglect various forms of pre-election constraint.

In addition to such interference by government officials, the legal prescriptions for establishing candidacies seem to have operated to debar opposition candidates.[11] The requirement that ten per cent of the electors on the voting list must sign the nominating papers of a candidate worked as its authors anticipated. In about one hundred districts, government candidates were the only ones able to secure the requisite signatures, as the supporters of opposition candidates did not dare to disclose themselves for fear of persecution.[12]

On December 1, when nominations closed, 33 deputies, including the premier and a large part of the cabinet, were declared elected unopposed. Then, on December 8, the first day of rural, oral voting, 108 deputies were elected from 14 counties, the government *bloc* winning 85 seats, its Christian Socialist allies 10 more, the Racists one, and the Left Opposition two, although neither of these was a socialist. On December 10, when the fate of 91 more seats was orally decided, the proportion of elected candidates from the government *bloc* was even greater than in the first round of the electoral battle, as the opposition won only three seats against 88 for the government and its allies. When the oral voting ended, the government had 153 seats to its credit, the Christian Socialists

[9] *Magyarsag*, November 28, 1926.

[10] *Ibid.*, November 30, 1926.

[11] Thus the *Pesti Naplo* declared on December 8, 1926, that the innumerable administrative regulations imposed by the government had rendered all electoral campaigning impossible, the electors being lost in the labyrinth of electoral procedure. "There are no longer any parties contesting; there is no chance for processions, for enthusiasm, for clashes. . . . . There are only administrative regulations. A multitude of ordinances set the conditions to be fulfilled to be able to establish one's candidacy, to obtain presentation to the voters of a certain district, to get permission to convoke a meeting, to be able to address oneself to one's electors, to learn where to send petitions. Other measures without number prescribe the manner of proceeding in order to get lists of candidates, get them vised and distributed, etc. This procedure has obscured and encumbered everything."

[12] Cf. *Central European Observer*, Vol. IV, No. 50 (December 10, 1926), pp. 853–854.

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23, and all the opposition combined only 23 more. In several instances the government *bloc* reached an understanding with the most notorious Racists and did not oppose them, while, by contrast, it bent every effort to defeat the avowed Legitimists.

On December 18 came the secret voting, in 46 districts, including Budapest and the industrial centers such as Debrecen and Szeged. Here the opposition gained the greater part of the seats, a thing which the winning parties, particularly those of the Left, did not fail to attribute to the secret franchise.[13] In Budapest, for example, the Social Democrats gained seven seats, the Democrats six, the Christian Socialists seven, while the government *bloc* won only four. The contrast is, of course, striking. The actual party strength, losses and gains, may be seen in the following table:[14]

PARTY	No. of Seats	Per cent of Total	Gain or Loss		Per cent of Gain	or Loss
I. Governmental Parties:						
Government *Bloc*	170	69.33	25		10.20	
Christian Socialists	35	14.28	10		4.08	
Independent Deputies	3	1.23	0		0.00	
Party of Small Bourgeoisie	1	0.41	0		0.00	
TOTAL	209	85.25	35		14.28	
II. Right Opposition Parties:						
Racists	4	1.63		− 4		− 1.63
Legitimists	2	0.81		− 7		− 2.85
Independent Deputies	3	1.23		− 6		− 2.45
Independence Party	1	0.41		− 3		− 1.23
TOTAL	10	4.08		−20		− 8.16
III. Left Opposition Parties:						
Agrarian Party	3	1.23		− 1		− 0.41
Democrats	9	3.70		− 4		− 1.63
Social Democrats	14	5.74		−10		− 4.08
TOTAL	26	10.67		−15		− 6.12
GRAND TOTAL	245	100.00	35	−35	14.28	−14.28

[13] Even this, it may be noted, did not reveal what the secret franchise, if properly safeguarded, would do, because it was necessary for over a tenth of the total registered electorate to reveal itself to the public and the government, in order to establish the legal candidacy of those whom it supported. In the presence of rival tickets and parties nearly equally balanced, this involved the revelation of approximately twenty per cent of the fighting strength of each.

[14] Cf. *Bulletin Périodique de la Presse Hongroise*, No. 101, December 30, 1926, and *Prager Presse*, December 21, 1926, p. 1, c. 3.

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Once the elections to the Chamber of Deputies were over, the government devoted its attention to the constituting of the upper chamber. The law of November 10 provided that 76 members—almost one-third of the body—should be elected from the communal and county councils. These proved, without exception, to be government candidates. In addition, the ecclesiastical contingent contained 17 Catholic dignitaries, 11 Protestant clergymen, one Greek Orthodox priest, and a rabbi from both the Orthodox and the Modern Jewish communities. A further contingent of 40 was named by different scientific and economic bodies. A half-dozen high government officials, nominees of the party in power, formed an additional category. Lastly, the members appointed for life—approximately 40—were selected by the government in such a way that their views were in harmony with those of the government *bloc*, or at most not in opposition to it.

Of greatest interest, from both an historic and a political viewpoint, was the election of the 38 representative peers. On January 8, 151 of the 187 nobles formerly sitting in the Chamber of Magnates met to select their quota.[15] In anticipation of the balloting, both the government and the opposition nobles presented their several lists, which, save for a few noteworthy exceptions, were in each case identical. Naturally, the government, with one exception, excluded all but very moderate Legitimists from its slate. The exception was Count Andrassy, who was included despite his personal hostility to the premier. He was unable, however, to secure sufficient votes to be chosen, although the remaining government ticket was overwhelmingly elected.[16] The defeat of Andrassy was considered important for the government as indicating that even the Legitimists were not as strong as was generally supposed, and that the aristocracy as a whole discountenanced his anti-Bethlen campaign. The result gave Count Bethlen clear command of both chambers. It is not to be taken for granted, however, that legitimism is absolutely dead in the upper chamber, but rather that it is quiescent, the principal

[15] "The election passed so quietly," declared a foreign correspondent, "that it was difficult to realize that an epoch-making event was taking place. . . . The the first time in Hungary's thousand years of history, its feudal aristocracy bowed passively to the fundamental principle of representative government. . . . The vote of each of these nobles was a formal renunciation of his ancient title to a seat in the Chamber of Magnates himself." *New York Times*, January 9, 1927.

[16] Curiously enough, only one of the nobles chosen refused election, Baron Pronay (a descendant of Kossuth), who declared that he did not consider the establishment of the new house legal, because the old Chamber of Magnates had never been dissolved.

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supporters of Archduke Otto preferring to wait until their pretender reaches his majority and to coöperate with Count Bethlen meanwhile.

An appraisal of the results of the elections to the chambers would seem to indicate, first of all, that the intransigent, bitter-end Right Opposition of Racists has been decisively beaten—much as were the adherents of Ludendorff in Germany two years before—and that the militant secret societies have had their heyday in Hungary, for which all should be thankful. In the second place, out-and-out legitimism, which was dealt a staggering blow in 1922, appears to have been given the *coup de grâce*. Henceforth two implacable defenders of the unbroken continuity of royal authority, Counts Sigray and Apponyi,[17] will be the sole official defenders of the Hapsburg cause among the deputies. This suggests either one of two possible conclusions: that the nation as a whole has lost its love for the Hapsburgs, which seems quite unlikely, or that the rank and file of the pro-Hapsburg element has bowed to the stern exigencies of the situation and swung into line with the only practicable policy—one of tactful, watchful waiting, such as Count Bethlen purposes to follow.[18] So far, this is wholesome and reflects the trend away from blind devotion to the dethroned dynasties also evident among the once ardent supporters of the Hohenzollerns in Germany. Any swing back from the extreme Right marks an improvement in the nation's political outlook and is an index of a turn toward sanity and moderation.

The overwhelming victory of the government *bloc* is not, however, without its dangers. Victory under the open franchise system appeared to be a foregone conclusion, but its unanticipated proportions were viewed with some alarm, even by supporters of the government. "The bride is too beautiful," wrote the semi-official organ of the premier,[19] explaining its cryptic metaphor by pointing out that the normal play of parliamentary government demands a serious opposition and that the government *bloc*, without this, is exposed to the danger of disintegrating.[20] This is peculiarly true in the present case, for the externally formidable coalition that entered the lists under Count Bethlen's aegis is far from internally strong. It represents, historically, a nuclear core

[17] Despite his strictures against the reform of the upper house, Count Apponyi does not regard the new chambers as unconstitutional, from the legitimist point of view, the best proof of this being, according to his statement, his acceptance of the position of deputy. Cf. *Le Temps*, February 5, 1927, p. 2, c. 6.

[18] Cf. *Central European Observer*, Vol. V, No. 5 (January 28, 1927), p. 65.

[19] *Budapesti Hirlap*, December 12, 1926.

[20] For the opinion of Czech critics, cf. *Central European Observer*, Vol. IV, No. 52 (December 24, 1926), p. 886, and *Prager Presse*, December 21, 1926, p. 1.

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of conservative agrarian nationalism, to which minor factions, only yesterday bickering and dissenting, have adhered for the sake of the perquisites of power. A sudden revival of the dynastic question, or a renewed attempt at drastic agrarian reform, would be almost certain to wreck the government *bloc*. It may be gathered from his recent utterances[21] that the prime minister will, so far as possible, let sleeping dogs lie, and pursue only the most moderate kind of social and administrative reforms in the next five years, leaving untouched the crucial social questions of effective land distribution and rural credits, and the political problems of redemocratization of the country. In this respect it seems not inappropriate to characterize both the régime of Count Bethlen and the problems facing the premier as basically analogous to those which faced Stolypin in Russia after he had dragooned the country into passive acquiescence in reaction, and had, by his electoral manipulations, procured for himself a docile and subservient Duma.

The very moderation which is forced on the Hungarian prime minister by the external strength and inherent weakness of his conservative following in both chambers is at once the hope and the despair of the Left Opposition, which is, of course, practically unrepresented in the upper house. So long as Bethlen, by repeated small concessions along economic lines and minor agrarian reforms, staves off the accumulated discontent of the peasant and proletarian masses, he will be able to retain the remnants of the old feudal aristocracy of Hungary in power, and block the moves of the radical intelligentsia for far-reaching political reform. If, however, the premier is driven by the pressure of the lower classes too far along the path of concession, he will inevitably lose his supporters, and his coalition must of necessity disintegrate. Such, paradoxically, is the precarious position in which the Hungarian government is placed by its phenomenal electoral majority.[22]

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[21] *Central European Observer*, Vol. V, No. 5 (January 28, 1927), p. 65.

[22] An illuminating revelation of the internal situation is afforded by the premier's advice to the caucus of the government parties on the eve of the assembling of the new parliament: "We are faced by an Opposition of 30. Still, we ought to treat them as if they numbered 120." (*London Times*, January 26, 1927, p. 11, c. 4). Whether by this statement Count Bethlen merely revealed the internal weakness of his party or intimated the proportion of opponents which a different type of franchise would give, may be left to the judgment of the reader.

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REPORTS OF ROUND TABLE CONFERENCES

HELD IN CONNECTION WITH ANNUAL MEETING OF
THE AMERICAN POLITICAL SCIENCE ASSOCIATION
AT ST. LOUIS, DECEMBER 28–30, 1926.

1. COMPARATIVE GOVERNMENT

This round table, with a total enrollment of thirty-seven, held three sessions under the chairmanship of Professor Frederic A. Ogg, of the University of Wisconsin, and devoted its entire attention to a consideration of problems in the study and teaching of comparative government. The first session was opened with a report prepared by Professor William S. Carpenter, of Princeton University, describing the teaching of comparative government under the preceptorial and honors system at Princeton. Here the subject enjoys the central place in the department of politics. It is offered as the introductory course, open only to juniors, and includes a study of European and American governments and problems of federalism. There are two lectures and one preceptorial conference each week throughout the year, the conferences being devoted to the discussion of assigned reading in groups of six to eight students under a preceptor with the rank at least of assistant professor. Students who wish to specialize in the department also take courses in constitutional law and jurisprudence, and in addition do "independent reading" under a supervisor, with individual bi-weekly conferences and the preparation of four papers. In the senior year, departmental students read in one of four fields: constitutional law, international law, political theory, and comparative government. Students selecting comparative government prepare a carefully documented paper of about eighteen thousand words under the guidance of a supervisor, and read for their comprehensive examination at the end of the senior year. The scheme is not limited to honor students. The department accepts any man who reaches the junior year and has had certain prerequisite courses in history or economics. The Princeton plan differs from other plans notably in that the study of government is not split into many parts by multiplying courses. The number of courses is small, and much emphasis is laid upon independent reading with preceptorial and individual conferences.

In commenting on the Princeton plan, Professor John Alley, of the University of Oklahoma, pointed out that whatever its merits the expense is prohibitive to most colleges and universities. It requires a large

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staff of high grade preceptors and a heavily endowed library. Professor C. D. Allin, of the University of Minnesota, thought that the independent reading should include economics, and even literature. There should be no separation of political science from the other fields. Professor H. R. Spencer, of Ohio State University, said that coöperation with the economics department had been tried at Princeton. He also wished to point to the fact that Princeton insisted upon the study of jurisprudence; indeed, Woodrow Wilson had used Holland's celebrated treatise in his classes. Professor Joseph P. Chamberlain, of Columbia University, objected to the emphasis on jurisprudence; Holland's "Jurisprudence" is difficult for instructors, to say nothing of undergraduates.

A report on the teaching of comparative government in the University of California, Southern Branch, by Professor Malbone W. Graham Jr., was next presented. In his view, the disappearance of the traditional autocracies no longer permits the study of contrasted typical states, while the post-war interest in international relations demands that our students be acquainted with the institutions of many governments. The world has grown too large to compress the subject into a single course; the solution must be found in a regional arrangement, with careful gradation of courses. As to method, the problem method brings excellent results. A current election in Great Britain, for instance, should be used to familiarize students with electoral procedure and party organization by having selected students give electoral addresses. The committee system of collective reports has been used with good results. Professor Allin indicated that the problem method has been successfully used at Minnesota with reference to local politics. Further discussion developed the conclusion that Professor Graham's method requires an unusual type of enthusiastic instructor and vigilant supervision on his part.

A report from Professor John M. Gaus, of the University of Minnesota, was next considered. The aim of his course in comparative government is "to develop a more sophisticated and critical interest in students in problems of politics, using the comparative governmental systems of the more outstanding states of the world as material." The course requires the mastery of such books as Mill on Representative Government, Bagehot on the English Constitution and Sait on the Government and Politics of France, and great emphasis is placed on historical and economic backgrounds. Every student must also read the biography of at least one modern statesman.

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The chairman read a letter from Professor Karl F. Geiser, of Oberlin College, where a course on comparative government occupies a conspicuous place in the curriculum, under the title of "European state systems." The first semester is devoted to a detailed study of the organization of the governments of England, France, Germany, Switzerland, and Russia. The second semester, offered by Professor Jaszi, formerly of the University of Budapest, is devoted to a study of the historical background and spirit of the whole European system. Reports were also presented upon similar courses at Swarthmore, Mt. Holyoke, Wisconsin, Pittsburgh, Oklahoma, Nebraska, Ohio State, and Northwestern. In particular, Professor Ogg pointed out that Wisconsin is working on the problem of segregating graduate students and reconstructing courses strictly for undergraduates. Professor Allin thought that comparative government ought to be offered to all students and not limited to a few students who have had many courses in government. Professor E. D. Graper, of the University of Pittsburgh, held that the course should be offered to freshmen under an arrangement whereby American government would occupy the first half-year and comparative government the second half-year, and one of the first results of the course should be to disillusion those students who consider our government superior to all others. The latter sentiment met the hearty approval of several members of the round table. Discussion also developed the fact that few institutions admit freshmen to courses in political science. At Oklahoma all students are required by a state law to take American government.

Dr. Carl J. Friedrich, of Harvard University, who reported upon German universities and schools, pointed out that political science is not taught to undergraduates in German universities. It is true that political theory (*Staatslehre*) is offered by the law faculties, and state-functions (*Staats-Soziologie*) and economic regulation (*Staats-Socialismus*) are dealt with by the philosophy faculties, but comparative government as a distinct science or subject does not exist in Germany. Professor B. W. Maxwell, of Washburn College (Kansas), did not fully agree with this statement, and cited the Hochschule für Politik in Berlin. Professor Albert R. Ellingwood, of Northwestern University, called attention to the remarkable contribution of German scholars to comparative public law (*Allgemeine Staatsrecht*).

The round table then took up the question of the content and method of the course. A report from Dr. F. F. Blachly, of the Institute for Government Research, was read, supporting the thesis that comparative

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government should be devoted primarily to the problems of administration. The fundamental inquiries concerning any government relate to the functions that this government performs and the way it is organized to perform these functions. Hence it follows that the only adequate comparison of governments is that of their administrative achievements. Professor Graper did not admit this contention, holding that the relation of cabinets to parliaments is quite as satisfactory for comparison as the civil services of various states. He was supported in this position by Professor L. E. Aylsworth, of the University of Nebraska, and Professor C. O. Johnson, of the University of Chattanooga.

In discussing the study of governmental regulation Professor Ellingwood was inclined to agree with Dr. Blachly that there is need for greater stress on the functional, as contrasted with the structural, side of comparative government. What is the proper end of the state? This cannot be answered without studying what the state actually does. There should be more integration of the social sciences, especially between economics and political science. Text-books, largely devoted to the study of forms of government, are lamentably lacking in comparisons of governmental interference in economic life. This is due to the paucity of research in these fields. There is need for coöperative studies of such subjects as comparative labor legislation, regulation of monoply and restraint of trade, transportation, agriculture, foreign trade, and banking. The research program of the International Labor Office is one of the few undertakings of this kind.

Professor W. R. Sharp, of the University of Wisconsin, discussed the value and place of the British dominions in a comparative study of the problems of federalism. The subject has special attraction for American students, but unfortunately the materials are difficult to assemble. Among the fields waiting investigation are problems in the representation of member units, constitution making and interpretation, allocation of functions—fiscal, economic, and social—and intra-federal coöperation. Professor Allin, in commenting on the lack of bibliographical service, drew attention to the pioneer work of the Royal Colonial Institute in London.

A greater use of foreign and domestic newspapers was urged by Professor Kenneth Colegrove, of Northwestern University, who held that students in comparative government should be induced to read papers like the London *Times*, London *Herald*, Manchester *Guardian*, Paris *Temps*, and *Frankfurter Zeitung*, rather than remain dependent upon the weekly or monthly magazines for current problems. Professor Maxwell,

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while approving the use of newspapers, thought that too much attention is given to the conservative press. Students should become just as familiar with the radical papers, such as *L'Humanité* and *Die Rote Fahne*. Libraries should keep and bind files of these newspapers for historical, as well as current, needs.

Professor Allin took up the subject of fields of research for graduate students. He would discourage students from entering the realm of *Rechtsphilosophie* and *Staatslehre*, which is beyond the ability of most students. Let the Germans work out the vocabulary; Anglo-Saxons should settle the practice of government. Moreover, new fields of study should be found in the direction of functions, rather than structure and theory, of government. And here students with the gift of insight should be led into the habit of interpretation. Particularly, comparative studies may profitably be made in the problems of federalism, judicial procedure, parliamentary practice, administration, and local government. The comparative constitutional law of Anglo-American countries is a most satisfactory field because our law libraries offer unusual facilities.

Professor Graper thought that comparative government is not a field for large groups of graduate students, but rather should be limited to select students. The difficulty of obtaining documents from foreign governments is very great. There is need for some central exchange. He also advocated the more extensive use of parliamentary debates, much as these sources are sometimes despised. But valuable material is often to be found in the Congressional Record, Hansard, and the French Journal Officiel. Newspapers should be used for views of parties rather than for mere facts. An outstanding paper for this purpose is the *Vossische Zeitung*. Professor Walter J. Shepard, of the Robert Brookings Graduate School, emphasized the devious and uncertain character of our avenues of communication. Contacts made by visiting scholars are often helpful. A political science congress might be serviceable. Other members discussed the Reference Service maintained by the American Library in Paris.

At the closing session of the round table a motion was passed that the chairman be requested to associate with himself two other members to consider and report on plans for aiding scholars in the collection of information and materials in comparative government. The persons so designated are Professors C. D. Allin and W. J. Shepard.

KENNETH COLEGROVE, *Secretary*.

Northwestern University.

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2. SCIENTIFIC METHOD IN THE STUDY OF ELECTORAL PROBLEMS

The first session of this round table was devoted to a consideration of five questions prepared by the chairman, Professor West, of Stanford University, and sent to as many as possible of the members of the round table before the meetings took place. This discussion was designed to lead the members of the group to a common understanding of the meaning of scientific method and its applicability to electoral problems, and to form the basis for consideration of more specific questions of methodology. In general, the following propositions were accepted: (1) That the scientific method is to be defined as an attempt to find out the facts, to classify and arrange them, to show the relationship between them, and to formulate a statement of the results obtained; that perhaps the chief characteristic of the method is a state of mind—an unwillingness to accept anything upon authority and a willingness to eliminate a subjective attitude. (2) That there are few limitations to the application of the scientific method to data in the field of the social sciences, except that studies must be limited to the present where facts bearing upon what happened in the past are not discoverable; and that even if the experimental method cannot be applied (and this may be possible in the future) we can observe and record as the astronomer does. (3) That practically all electoral problems may be attacked scientifically if data are available. (4) That different types of electoral problems may require a different line of attack. (5) That the scientific method may be useful for solving specific practical problems as well as for getting a better understanding of political forces and institutions. Some members of the group questioned whether finding out "all one can" makes one's treatment scientific; also whether *all* the facts are essential. It was pointed out that results may be scientific where sampling is resorted to. There was some difference of opinion regarding the necessity of premising a study with a hypothesis, the possibility of ruling out personal bias, and the value of the questionnaire as a means of assembling data.

The second and third meetings were devoted to reports of problems in methodology encountered by members of the round table in making specific studies. Professor Joseph P. Harris, of the University of Wisconsin, outlined the technique used by him in a survey of systems of registering voters; Mrs. Flora May Fearing presented the questions of method raised by a study of voting behavior in a small American community; and the chairman laid before the group an outline of the problems met by Mr. Norton, of Stanford, in an attempt to apply the

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scientific method to a study of the operation of the direct primary in California. Professor Harris started with a definite objective in view—to study the practical operations of registration systems and to recommend a model system based upon this experience. He collected his data largely by means of field interviews with politicians, reformers, former election officials, and newspaper-men, as well as the election officials themselves, making no attempt to obtain what might be called "general opinion" as to the value of various features of a registration system. Statistics were used in two ways: (1) to make a comparison of the volume of registration under permanent systems and non-permanent systems, and (2) to make a comparison of the percentage of registration in different types of wards, affording some index of fraud.

Mrs. Fearing's study of voting behavior differs from previous studies of voting and non-voting in that it aims to study the habits of the voter over a period of years and relies entirely upon objective data obtained from the city directory and registration cards, without using subjective data obtained by questioning the voters. The contemplated analysis calls for a study by precincts; a comparison of the sex, occupation, nativity, and party preference of registrants and non-registrants; a comparison of voting registrants and non-voting registrants; and a more detailed analysis of voting registrants. Mrs. Fearing's report provoked a lively discussion which revealed considerable difference of opinion as to whether a study confined to the purely objective data available would prove valuable, or whether it would be a "sterile study of figures."

Mr. Norton's analysis of his problem was accepted by the members of the round table as an excellent basis for the scientific study of any electoral problem. He presented the problem as a three-fold one: to state the problem in scientific terms, i. e., as the measurement of the effect of one thing upon something else; to get adequate and accurate information; and to estimate the causal relationship. In the discussion that followed some members of the round table took issue with the third point, feeling that what is wanted is a study of "relationship" rather than of "cause and effect."

Part of the second day's session was devoted to an interesting analysis of proportional representation in Greece by Mr. Polyzoides. This paper was published in full in the REVIEW for February, 1927.

LOUISE OVERACKER, *Secretary.*

Wellesley College.

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3. AN ANALYTICAL APPROACH TO THE SUBJECT OF WORLD POLITICS IN TEACHING AND RESEARCH

This round table held three meetings under the chairmanship of Professor Quincy Wright, of the University of Chicago, and with an average attendance of twenty. In opening the discussion, the chairman drew attention to the conferences on instruction in international law which were held under the auspices of the Carnegie Endowment for International Peace in 1914 and 1925, and also the round table on the subject under Professor E. D. Dickinson at the 1924 meeting of the American Political Science Association. The growing interest in international relations is attested by the increasing number of institutions which publish separate bulletins of courses in the field offered by departments of political science, history, economics, law, philosophy, sociology, geography, and others. Such bulletins published by Georgetown University, the American University, Columbia University, the University of Chicago, and the University of Washington were examined.

The first day of the round table was devoted to a discussion of introductory courses in international relations. The objective of such a course was discussed by Professor Middlebush, of the University of Missouri, and others, with the conclusion that it should be to supply information and standards for forming an intelligent opinion on current international policies. The merits and methods of an analytical approach were considered, but the majority of the round table thought it difficult to use this method with freshmen and sophomores whose knowledge of the events and institutions analyzed is generally inadequate. Hence an historical or regional approach appealed to many of the members. It was thought that an approach from the standpoint of American policy has pedagogic advantages, but that, on the other hand, an approach from the world point of view will better serve to cultivate a desirable objectivity. The desirability of close coöperation between history and political science departments in giving introductory courses in the field was recognized. During the discussion, Mr. Walter Laves, of the University of Chicago, presented a report based on the examination of 125 typical college and university catalogues, from which it appeared that about two-thirds of the institutions offer no introductory courses in international relations at all. In those that do so, American diplomatic history is most frequently offered. International law, international relations, international trade, and world politics are occasionally open to freshmen and sophomores, as also are regional courses in the relations

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of Europe and Asia, Europe and Africa, Latin America, the Far East, and the Near East.

The second session of the round table was devoted to advanced courses in international relations, and Mr. Laves presented data showing that international law is most commonly announced in the catalogues examined. American diplomacy, international relations, international trade, international organization, colonial administration, conduct of American foreign relations, world politics, and various regional courses were announced in this order of frequency. About one-third of the catalogues showed no advanced college courses in the field, and about three-fourths no graduate courses. Professors Allin of Minnesota, Garner of Illinois, Williams of Pittsburgh, Bose of Iowa, Hill of George Washington, McKay of Cornell, Edwards of North Dakota, and others explained in detail the method and content of analytical or other courses in international relations with which they were familiar. Mr. Butler, of Cambridge University, said that in England there are only two chairs of international relations, one at the University of Wales and the other at the University of London. Diplomatic history is there given by history faculties and international law by law faculties. The latter subject includes much international organization, interest in which has increased since the establishment of the League of Nations. Books and courses attempting to analyze the whole field of international relations have hardly been attempted in England.

The round table recognized that in spite of the recent reorganization of the American foreign service, professional opportunities are so limited that distinctively professional courses are hardly warranted except in a few institutions. General courses in international law, American diplomacy, commercial law, commercial geography, economics, modern history, and modern languages will, in fact, prepare for the foreign service examinations. It was thought that the objective of advanced courses should rather be the stimulus of investigation. Significant analyses and methods of investigation should be stressed, and discussion of problems should occupy more time than formal lectures.

This discussion naturally led, on the third day, to a consideration of the most fertile methods of research in the field. The chairman called attention to the list of doctoral dissertations in the field published in the August number of the REVIEW and to the fact that most of them seemed to contemplate a legal or historical approach, though a few, on the economic borderland, might use statistics or an economic analysis. He also recalled President Beard's advice to search for the significant

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developments of a subject on its periphery rather than at its center and to the comment in Whitehead's "Science and the Modern World" that natural science has advanced by substituting for Aristotle's precept, "define and classify," the precept "measure and verify." Do international relations present factors capable of measurement? What are the disciplines adjacent to international relations on the points of contact with which significant advances may be made?

Mr. Harold Lasswell, of the University of Chicago, opened the discussion by suggesting a quest for research subjects, not within traditional categories, but within categories found after fresh observation of the processes of contemporary international life. He suggested that historical and legal studies might yield new results if conceived as the material for framing verbal patterns capable of affecting international tribunals, diplomats, armies, and other instruments of official international contact. He then discussed the importance of psychiatric analyses for understanding the activities of political leaders and diplomats, and perhaps for throwing light on the activities of people in the mass and the conditions and methods of effective propaganda. The value of anthropological investigations for showing analogues of modern social patterns in more primitive societies and the interpenetration of apparently unrelated patterns of behavior was also stressed.

Mr. Kaiser, a German fellow at the University of Cincinnati, described the new German study of geo-politik, embracing political geography, anthropo-geography, and economic geography, and taking the world as a unit to ascertain the significant natural conditions of international policies. He also suggested that with the increasing importance of public opinion newspapers and periodicals would prove more useful sources for studying world politics than official documents.

Professor Wallis, of the University of Minnesota, further discussed the possibilities of anthropology in illuminating the field of international relations. Mr. McKay, of Cornell University, expressed the opinion that international relations is a synthetic subject which should aim at balancing material, from all sources, bearing on a particular situation, and not at cultivating one method exclusively. On this the chairman observed that, while most investigators will doubtless engage in such synthetic researches, advance may be more rapid if a few were to cultivate intensively peripheral areas by these new methods. It was emphasized that the use of psychiatric analyses and anthropological data requires trained students in both the field of political science on the one hand and of psychology or anthropology on the other. If fruitful in-

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vestigations were carried out, the results would become available for synthetic political scientists. Mention was made of the significant fields on the borderland of economics and political science, although there was little discussion of them.

QUINCY WRIGHT, *Director.*

University of Chicago.

4. RESEARCH PROBLEMS RELATING TO PUBLIC OPINION

This round table was devoted to a discussion of the practical investigations which may be made to further our understanding of public opinion. It was suggested that a great amount of routine labor is necessary if we are ever to get anywhere in our knowledge of how we behave as political animals. It was suggested, further, that any investigations should be carried on in many communities, if we are to secure conclusions of general application. Since the labor involved is large, and since the investigations should be widespread, it was felt that we could accomplish most at the sessions if we considered fields for general research with great diligence and care.

Dr. Charles A. Beard advanced the suggestion that an investigation of word patterns of various communities would be of value. He pointed out that every age in recent European history has had its peculiar word formulae. The sixteenth century verbalized its behavior in such a way that a student of history can easily identify the thought of that period. The seventeenth century is readily distinguishable from the preceding. The eighteenth century, with its emphasis on reason, freedom, and enlightenment, is also unique. The nineteenth and twentieth centuries are likewise individual. History, from Dr. Beard's viewpoint, in one of its aspects at least, is a series of layers of word patterns, of stratified behavior norms, which have been verbalized. Why not determine the word reactions of present day America? Why not carry on the investigation for communities in many sections, and for groups within the communities? There is probably a peculiar response for the Rotary crowd, for the labor group, for the intelligentsia. It would be interesting to know more about the word reactions of each cross section of contemporary society.

Dr. Beard suggested that an examination of newspaper head-lines would reveal much regarding these word patterns. The study would have to be quantitative, and would involve classifying the word combinations of thousands of heads for stories. Yet the result might justify

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the effort. It would certainly indicate whether anything approaching sectional word patterns exists.

A related study would deal with "hot words." A "hot word" was defined as one with definite emotional connotations. Words such as red, Russia, evolution, bolshevism, radical, enemy, and patriotism were advanced as illustrations. To determine the emotionally tinged words of various political groups would be of value in understanding their word patterns. The discovery of such words would also assist a practical politician in writing his party propaganda. Two methods were suggested of securing a list of these words. One was through studying head-lines. Where a word recurs incessantly, and when it is the stimulus for emotional attitudes, such a word should be listed. The study would be statistical and would involve a great deal of effort. The other approach would be to submit a list of words which were believed to be "hot" to various groups in the community, to Rotarians, to school teachers, to labor men. The subjects would be asked to write the first word reaction to each. This would be the ordinary word reaction test. The results might prove fruitful. A comparison of the replies from various groups tested might indicate definite class differences. Words which were emotional for one group might be colorless for another. The discussion turned on the advisability of measuring the time reactions for each word. The practical difficulty of such testing was advanced as an objection. If the tests are to be worth anything, they would have to be quantitative, involving many persons; and this would make time testing a very lengthy proceeding.

The advisability of making additional investigations in the field of non-voting was advanced by Professor A. N. Holcombe, of Harvard University. These should follow the study by Dr. Ben A. Arneson, of Ohio Wesleyan University, in Delaware, Ohio, the results of which were published in the REVIEW for November, 1925. Such a study should include not only persons who did not vote, but those who voted as well. Unless the results are available for many communities, we cannot reach general conclusions.

Professor Norman Meier, of the State University of Iowa, told of a study he had made in motives for voting. The fundamental motives were first reduced to four: self-interest, sympathy or mutual understanding, fear, and safety. The reasons advanced by a thousand persons for voting as they did in 1924 were then tabulated and classified under these heads. The results throw light upon political motivation.

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An interesting discussion was held on the subject, "What is news?" Are statements backed by no authority, or only the authority of a "spokesman," news? Are the "it is said" statements which have become increasingly common in the last few years really news? The general opinion expressed was that such evasions of responsibility forbid the material concerned to be classified as news. The press was criticized for permitting items of this character to find space in the news sections.

HARRY BARTH, *Director*[1].

University of Oklahoma.

5. THE PROBLEMS OF A SCIENTIFIC SURVEY OF CRIMINAL JUSTICE

The round table on this subject attracted very few participants, and the interest seemed to be such that an entirely different group came each day. This made it somewhat difficult to pursue any consistent course of discussion. It was necessary each day to develop a line of interest which would harmonize with the activities of those who were present. It is perhaps inevitable when round table discussions are held in connection with a national meeting to have a certain amount of "turn-over" in attendance, but it is doubtful whether the round table is a satisfactory substitute for a well planned program if the same group is not available to pursue a discussion over the entire series of sessions.

For the most part, the discussions were limited to research projects in the field of the administration of criminal justice and the best methods to pursue in developing such projects. It became apparent that the public agencies which are involved in the enforcement of criminal law would be a very profitable field of interest for political scientists in the various parts of the United States. Most of the offices concerned are county offices, and important research can be conducted in rural sections as well as in larger cities. The raw material has been practically untouched by research and is rich in possibilities. For example, the records of county clerks, sheriffs, prosecutors, and coroners can be made the subject of rather significant studies. If encouragement is given to this type of study, the science of politics will have in a few years a mass of local factual monographs which will furnish a basis of very important general studies. The possibilities in this field were stressed in the discussions, and there was presented by Professor C. E. Gehlke, of Western Reserve University, a rather elaborate statement of the statistical

[1] Substituting for Professor Robert D. Leigh, of Williams College.

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process followed in the Missouri and Cleveland crime surveys which might be adapted to other jurisdictions.

At one of the meetings a very interesting project which is being undertaken in Iowa by governmental research workers was described, and there was also described a significant study of penal treatment in South Carolina. Professor F. A. Kuhlman, of the University of Missouri, described the processes necessary to a scientific evaluation of the working of parole in the various states. Professor James W. Garner, of the University of Illinois, contributed to the discussion a very interesting statement of criminal procedure in France.

It is hoped that if this round table is continued another year it will be possible to enlist the participation of a minimum number of members who are genuinely interested in the subject, and to develop agenda for a systematic discussion covering the entire series of meetings.

RAYMOND MOLEY, *Director.*

Columbia University.

6. INSTRUCTION IN POLITICAL SCIENCE ON FUNCTIONAL RATHER THAN DESCRIPTIVE LINES

This round table, under the leadership of Professor Charles E. Merriam, of the University of Chicago, spent its time discussing the question: "Is it desirable or possible to reorganize instruction in political science upon functional rather than upon descriptive lines?" At the outset it became apparent that while the question was couched in general terms, the discussion would be confined to the introductory course in the field. Two outlines of such courses were presented to the group and were made points of departure for the discussion. Mr. A. Gordon Dewey presented a syllabus of the elementary course given at Columbia University, and Mr. Dewey and Professor Arthur W. Macmahon gave brief explanations of the practical working of that course. The plan might be characterized as having a frankly functional approach, the descriptive element being kept subordinate. Each governmental function is treated as a unit through whatever organs, national, state, and local, it may be performed.

Mr. Herman C. Beyle, of the University of Chicago, offered a tentative outline of a plan which had been specially prepared for discussion in this round table. This scheme was neither descriptive nor strictly functional, but behavioristic in its approach. The methodology of this somewhat novel plan was, first, to consider the types of human behavior which lie at the basis of the fundamental political situations and set the problem

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of government. These behavior types are found to be the exercise of political authority and the rendering of political obedience. Second, was considered the task of social control presented by the conflict of behaviors, one of the forms of social control being government. Third, were taken up the several governmental functions made necessary to meet and solve the situations presented by these behavior types. In its earlier sections this outline betrayed the influence of Professor Duguit, although it was expressed throughout in the language of the behaviorists. Divested of its behavioristic terminology, it became a form of functional study, set off especially by its emphasis on the situations and forces which give rise to and make necessary the performance of the several functions of government.

There was also presented to the round table by Professor Walter Thompson, of the University of Oklahoma, a summary of certain obstacles to the functional treatment of the subject. Among these were enumerated: inadequately trained teachers; the meagre experience and outlook of students; the lack of texts arranged according to this plan; lack of research facilities and a body of conclusions adapted for use; and the added difficulties encountered in presenting the subject to large classes by this method. While no plan based upon descriptive lines was presented, it became apparent early in the discussion that champions of that form of approach were not lacking in the round table group.

The concrete plans having been presented, a general discussion led to the emergence of three topics upon which the group agreed to focus further deliberations: the proper objectives of the introductory course; the relative values of the several methods of approach; and the implications of the more novel plan presented by Mr. Beyle.

Speaking of the objectives of the introductory course, President A. B. Hall, of the University of Oregon, suggested that the purpose is the development of a better citizenship. Good citizenship, he said, means more intelligent political behavior. He believed that the object of the course is to affect favorably the political behavior of the student, and that the course which does not produce that effect is impotent. Professor William Anderson, of the University of Minnesota, thought that the immediate purpose of the course is, rather, to give the students a definite picture of the federal, state, and local governments as operating organs. Professor F. W. Coker, of Ohio State University, held essentially the same view, urging that the object is a study of an important form of human activity for the immediate purpose of imparting a knowledge of the actual working of the government of a given area. Thus it was

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apparent that the members of the round table held two rather distinct views as to the objectives to be reached in the course: the development of better citizenship, and the dissemination of information concerning the organization and operations of government. Professor Anderson, however, suggested that all were really presenting the same materials, and were perhaps seeking the same ultimate ends although emphasizing, some the anatomical and others the physiological, aspects in their handling of these materials.

Discussion then turned to the method of approach best fitted to attain the ends sought, whatever they are. Professor R. L. Mott, of the University of Chicago, challenged the value of the traditional descriptive method, which he characterized as mechanistic, incapable of arousing student interest, and involving duplication of effort. Mr. Dewey, speaking from his experience with the Columbia course, corroborated the statement of Mr. Mott that the functional presentation had been fruitful in arousing interest. Professor L. D. White, of the University of Chicago, emphasized the waste of time involved in discussing repeatedly the same principles as they arise again and again in federal, state, and local government. Under the functional treatment they are dealt with once for all. He, too, believed that the functional approach had aroused greater interest, and had resulted in the discussion of more vital questions in the class. He urged that, after all, it is neither organization nor processes, but human behavior and its causes, that are the vital problems of study. He would emphasize the study of functions, but as a means of getting back to the ultimate goal, a study of behavior. This goal he believed could not well be achieved through emphasis on description. Professor Merriam suggested the desirability of broadening the whole scope of the treatment by including a study of the recurrence of the same social patterns working out in other social relations as well as the political.

The functional approach was vigorously attacked by Professor K. H. Porter, of the State University of Iowa, who questioned the power of a study of functions to arouse student interest to the degree that is true of a study of areas. Professor Anderson felt that the best results could be obtained by giving a clear understanding of the various governments as going concerns. Professor Coker agreed with Professors Anderson and Porter and expressed doubt whether a study of abstract concepts such as functions can arouse much interest in the undergraduate, and whether the ordinary undergraduate is prepared to undertake a study of this kind. Professor Arthur N. Holcombe, of Harvard University, observed,

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that there are practical obstacles, such as those suggested by Professor Thompson, which ought to be considered in undertaking a study on a functional basis. He thought, however, that with a group of well prepared and advanced students this line might be practicable.

As the discussion progressed, it became apparent that the seemingly contending views were not, in final analysis, so far apart as the terminology might suggest. Mr. Dewey and Mr. Beyle admitted that a functional or behavioristic study must also include a consideration of the organization which is to perform the function. Professor Horack, of the State University of Iowa, who inclined to the traditional approach, agreed that the study of organization and procedure should have as one of its ultimate objectives some consideration of the functions performed.

Very properly, the round table arrived at no concrete pronouncement upon the questions which it had itself stated. An impression which might be gained from the discussions was that, while no radical change is imminent as to subject matter presented, nor as to method, in many of the institutions there is destined in the long run to appear a growing emphasis upon functions of government and a corresponding lessening of emphasis on organization and particular processes. It appears that whether the aim be to create good citizenship or to inform concerning the organization or the functioning of government, the subject will tend more than at present to be approached as a problem in human behavior. The purpose of the study will come to be, as Professor Merriam has suggested, that of attempting to recognize and understand the behavior patterns working out in government, not only by themselves but in their relation to the same or similar patterns appearing in other social relations.

FRANK G. BATES, *Secretary.*

Indiana University.

7. THE PROBLEM OF ORIENTATION COURSES

The central theme of the round table on freshman introductory courses in the social sciences was the problem of testing the claims of orientation courses. An effort was made to bring together the various testing methods in use and to consider in how far they indicate the attainment of the stated objectives of the course. Secondly, opportunity was given for consideration of interesting innovations, in the field either of method or of content

Professor Dale A. Hartman, of Syracuse University, opened the discussion with a paper on the problem of testing. His point of departure

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was the questionnaire presented in the round table of the preceding year by Professor Charles McKinley. Mr. Hartman summarized the claims made in the replies under the following headings: "critical-mindedness", "scientific and philosophical", "impartial", "understand civilization", "participate in civilization", "understand the universe", etc. He pointed out that although an inquiry had been made as to the tests used it was indicated in only three cases that an effort was being made to determine whether the claims were justified. In most instances the main purpose of testing seemed to be to discover how well the students had done the work; that is, for grading purposes. Speaking generally, there appeared to be a wide gulf between the claims and the methods of judging in how far they were being attained.

Assuming that objectives and attainments should bear some relation to one another, and that this relation should lend itself, at least in part, to measurement, Mr. Hartman set up the following criteria: (1) that objectives be well-defined; (2) that they be attainable in some degree; and (3) that they be within the scope of measurement. He then took occasion to outline the experiment that is under way at Syracuse. In the first place, it was indicated that the goal is not so much content as bringing about certain changes in the student himself. One of these objectives was said to be the quality of "insight." In order to discover what progress is being made, a test has been devised that is based on the student attitudes toward a number of stereotypes. It is assumed that if the students look at stereotypes more critically at the end of the year's work than at the beginning they have developed insight. About one hundred statements were included in this part of the questionnaire answered by freshmen at the beginning of the year's work. The same form is used with a control group of freshmen not taking the course. The students are given the opportunity of checking one of five possible attitudes, ranging from *true—certain* to *false—certain*. Such statements as the following appear in the form: (1) "The Monroe Doctrine must be upheld at any cost." (2) "Too many amendments have been made to the Constitution." (3) "The drift toward municipal ownership is a most dangerous tendency." (4) "Strikes should be forbidden by law." As this test was launched only at the beginning of the current year, it was not possible to report on the outcome. Interesting figures were given, however, on the results of the initial test. At the conclusion of the paper there was discussion of the desirability of restating the objectives of orientation courses with reference to the possibility of measuring them. Needless to say, no general conclusion was reached.

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A paper prepared by Mr. Donald G. Paterson, of the University of Minnesota, was presented, in which he set forth the quantitative measurements in use in the orientation course at that institution. It was pointed out that the course was planned from its inception to be conducted with reference to the possibility of applying quantitative evaluations. The problems analyzed were listed under the following headings: predictive devices, examining devices, grading system, measuring progress, measuring extent and causes of student elimination, motivation, sectioning on basis of ability, effect of size of sections, student opinions and attitudes. Some of the more interesting conclusions will be summarized.

The new type of examinations has proved to be more reliable than the old type. By means of the orientation information placement test, both at the beginning and at the end of the six months' period of instruction, it has been found that the average score has increased from 55 points to 95 points, with a standard deviation in both cases of 17 points. It has been further discovered, that about two per cent of the students know as much on the first day of the course as the average student at the end, and also that practically all of the students know as much at the end as the average student did at the beginning. Another interesting result of these tests is the absence of correlation between the gains made in the information tests and the intelligence test scores. This is interpreted as due to the successful adjustment of the course to the needs of the whole group of students, as all levels of ability seem to be profiting to about the same extent.

In discussing the matter of motivation, Mr. Paterson stated that since one of the aims of the course is to stimulate imagination and arouse intellectual enthusiasm, an effort has been made to discover what progress has taken place along these lines. The index used is the correlation between the intelligence test scores and final grades, on the ground that if a student is stimulated to do his best the correlation should approach unity. The results are encouraging, showing as they do that the correlation is higher for this course than for the other freshman courses. In the matter of sectioning on the basis of ability, the results proved to be negative, so that the sectioning policy along lines of ability has been given up.

With regard to student opinions, the following summary may be offered: ninety to ninety-seven per cent generally prefer natural science material; there is least interest in economics, politics, geology, and geography; interest is not determined by the ease or difficulty of a

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subject; the course has influenced many students in their probable elections; they have been encouraged to think for themselves.

The third feature on the program was a paper forwarded by Mr. Joseph McGoldrick, of Columbia University. This dealt with the examination technique that has been developed in the course in contemporary civilization. It discussed in illuminating detail the various types of tests and examinations in use and the changes that have been made during the course of the experiment, which evidently is still going on. The description of difficulties overcome in developing tests of an objective character that can be graded by assistants formed an interesting part of the paper.

The following matters call for special comment: that absolute standards have been discarded, the distribution curve having been set up on the basis of the distribution of grades of former classes, on the theory that a class of 500 will run about the same from year to year; that the questions in objective tests must be so set up that some will be answered correctly by only A men, some by only A and B men, some by A, B, and C men, etc.; and finally that good final examinations will consist of both objective tests and essay tests, the former being graded by assistants and the latter by staff members.

The final session of the round table was devoted to a consideration of new developments. Under this heading Professor Arthur N. Holcombe, of Harvard University, presented a paper prepared by his colleague, Professor A. C. Hanford. The title of the paper was "The Case Method of Instruction in Government." On the ground that training for citizenship should include the application of sound principles of government to concrete situations, Mr. Hanford had brought together a series of cases that might provide the basis for analysis and application of principle. These cases were selected from reports of public officials, bureaus of municipal research, and civic organizations. The plan of presentation is to give the student all of the factors that enter into the problem, and then to stimulate him to propose the solution, or if one has already been proposed, to criticize it and if possible to improve on it. The various methods of using the case material that have been tested in classes at Harvard were also discussed. One would conclude from the report that the case system may do for political science what it is doing for law, and latterly for the study of business as well, namely, make it more real and vital. For the benefit of those who have not seen the book, attention may be called to the fact that Messrs. A. W. Shaw and Co.

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have recently published a collection of about one hundred cases that have been put to the test of use by Mr. Hanford and his associates.

Finally, Professor Ben A. Arneson, of Ohio Wesleyan University, reported on the combination course that has been developed in his institution through the coöperation of his associates in the social sciences. The results of several years of experiment and thought have been brought together in a book entitled: "A Gateway to the Social Sciences." Those who have reviewed the book consider that it represents a notable effort to integrate the related social science fields.

The round table adjourned without drawing up resolutions or coming to any conclusions, except that it was the general sentiment of those present that it would be helpful if some agency would provide a bird's-eye view of the various experiments being carried on with introductory courses. In view of the increasing number of such courses and the widespread interest on the part of instructors in various institutions where no such course is yet given, the conclusion seems justified that we have here to do with something that is more than sporadic and that might perhaps be regarded as a symptom of a changing attitude toward the curriculum. It was agreed that if any survey were to be made, it should be more than descriptive; that is to say, that it should be analytical, critical, and interpretative.

WILLIAM E. MOSHER, *Director.*

Syracuse University.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

The twenty-third annual meeting of the American Political Science Association will be held in Washington, D. C., in December, probably 28–30. The American Historical Association and various other organizations will meet at the same time and place. The program committee of the Political Science Association consists of Professors W. J. Shepard, of the Brookings Graduate School, chairman; B. A. Arneson, of Ohio Wesleyan University; F. W. Coker, of Ohio State University; S. K. Hornbeck, of Harvard University; C. E. Martin, of the University of Washington; and Bruce Williams, of the University of Virginia. The chairman of the committee on local arrangements is Professor C. E. Hill, of George Washington University. The summer meeting of the Executive Council and Board of Editors will be held at Iowa City on June 28.

Hon. Charles E. Hughes delivered a series of six lectures before the Institute of Arts and Sciences at Columbia University in January and February on "The Supreme Court of the United States."

Professor James W. Garner, of the University of Illinois, delivered a series of lectures at New York University, in March, on the subject some international policies and contributions of the United States.

Professor John M. Gaus, of the University of Minnesota, has been appointed to a professorship of political science in the University of Wisconsin. A portion of his teaching time will be devoted to the special forms of instruction to be provided in the experimental college opening in September.

Professor Frank G. Bates, of Indiana University, will give courses in American government and municipal government at Northwestern University during the coming summer session.

Professor Oliver P. Field, of Indiana University, has been awarded a Sterling fellowship at the Yale University Law School for 1927–28. He expects to complete his work for the doctorate in law.

Professor W. E. Binkley, of Ohio Northern University, will give courses on European and municipal government at Ohio State University in the coming summer quarter.

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Professor Harley F. MacNair, formerly head of the department of history and politics at St. John's College, Shanghai, has been appointed associate professor of political science at the University of Washington. He will give courses in Far Eastern politics and diplomacy.

Dr. Lawrence D. Egbert, of Occidental College, has accepted an assistant professorship of political science at the University of Washington. Dr. Egbert is a graduate of the faculty of law, University of Paris, and will visit Paris, Geneva, and The Hague this summer.

In the coming summer session at the University of Washington, Professor E. P. Patterson, of the University of Texas, will offer courses on American government and political parties and Professor Graham H. Stuart, of Stanford University, on American foreign relations and comparative government.

The Faculty of Social Science of the University of Washington will join with the National Education Association and the National Council of Social Studies, during the N. E. A. meeting at Seattle in July, in a conference on the teaching of the social studies, with special reference to the secondary schools.

Professor Frederick A. Middlebush, of the University of Missouri, will give courses at Stanford University during the coming summer quarter on international relations and the history of political philosophy.

Professor B. A. Arneson, on leave of absence from Ohio Wesleyan University, is spending the spring and summer in Europe.

Professor L. E. Aylsworth, of the University of Nebraska, will teach in the first half of the summer session at the University of Wyoming.

Mr. Wylie Kilpatrick, of the Brookings Graduate School, has been appointed to an associate research professorship in the University of Virginia and will be in charge of a survey of local government throughout the state.

Professor Leonard D. White, of the University of Chicago, has been awarded a Guggenheim fellowship for study of trade unions and professional organizations in the public service of Great Britain.

Professor O. Douglass Weeks, of the University of Texas, will give courses during the coming summer at the University of Nebraska.

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Professor F. K. Krüger, of Wittenberg College, has spent the year as exchange professor of political science at the University of Goettingen, and Dr. Ludwig Riess, of the University of Berlin, has spent the year at Wittenberg.

Mr. E. G. Trimble, for four years a graduate student at Yale University, has accepted a position in the political science department of New York University.

Mr. J. A. C. Grant, who expects to complete his graduate work at Stanford University in June, has been appointed to an instructorship in political science at the University of Wisconsin. Professors H. H. Sprout, of Miami University, and G. L. Kirk, of South Park College, have been appointed assistants in the same institution.

On January 25, a chair of American history and institutions was formally inaugurated at the Sorbonne. It was founded by Mr. Lee Kohns of New York (who has since died), and the first incumbent is Professor Charles Cestre of the Sorbonne.

The Laura Spelman Rockefeller Memorial Foundation has given £30,000 to Cambridge University to endow a professorship of political science.

During the month of March, Professor Bruce Williams, of the University of Virginia, delivered six lectures at the Johns Hopkins University on the Albert Shaw Foundation, the general subject being "state security and international law."

Governor Harry F. Byrd, of Virginia, has called a special session of the legislature to deal with constitutional amendments and administrative reorganization of the state government. An extensive program of reform will be taken up, based in a large measure upon a survey undertaken in May, 1926, and completed January 1, 1927, by the New York Bureau of Municipal Research. The report has been published by the state of Virginia, and a limited number of copies are available for libraries and students of public administration.

The New York State joint legislative committee on taxation and retrenchment has directed its research work for the current year to the problem of tax exemption. This work was under the direction of Dr. Luther Gulick, of the National Institute of Public Administration; and Messrs. Donald Davenport and Clarence Heer were responsible for

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important parts of the study. A limited number of copies of a report dealing with real estate exemptions, personal property exemption, and the problem of tax exempt securities are available for libraries and students of public administration. The National Institute of Public Administration is also making a comprehensive study of special assessments in the United States, with Mr. Philip H. Cornick in charge.

A conference on public administration, held under the auspices of George Washington University on April 19–20, was participated in by a number of representatives of government departments and bureaus as well as members of college and university staffs.

Under the direction of Dean Thomas G. Maphis, and with the financial support of alumni and others, the University of Virginia will hold an "institute of public affairs" in connection with the coming summer session. There will be the usual combination of lectures, conferences, and round tables; and among topics which it is proposed to take up are the agricultural situation, state and municipal taxation, and the problem of foreign debts—although the expectation is that the institute will deal primarily with domestic rather than international matters.

The School of Citizenship and Public Affairs of Syracuse University announces for the coming summer a repetition of its special curriculum in the social sciences designed for secondary school teachers as well as graduate students. The integration seminar in which all members of the staff participate will informally discuss social situations of current interest, as was done in the session of last year. In addition to Dr. William E. Mosher, the staff in political science includes Professors Martin L. Faust, of the University of Pittsburgh, and Robert D. Leigh, of Williams College.

At the fifty-fourth meeting of the National Conference on Social Work, held at Des Moines on May 11–18, one of the twelve sections or divisions was devoted to the subject of public officials and administration.

The twenty-first annual meeting of the American Society of International Law was held in Washington on April 28–30. The principal subjects of discussion were the termination of unequal treaties and the responsibility of states for damage done in their territories to the person or property of foreigners. There was also a report by the special committee on collaboration with the League of Nations committee for the progressive codification of international law.

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The semi-annual meeting of the Academy of Political Science in the City of New York on April 8 was devoted to the general subject of "public spending and private business." At a session on planning governmental organization and expenditures to promote stability, addresses were made by Mr. L. W. Wallace, of the American Engineering Council, on a federal department of public works and domain; by Mr. E. O. Griffenhagen, of Chicago, on state and municipal planning and spending; and by Dr. Benjamin M. Anderson, of the Chase National Bank of New York, on the relation of international debt payments to domestic purchasing power.

The eighth annual meeting of the Southwestern Political and Social Science Association was held at Dallas, Texas, on April 7–9. In addition to general sessions, there were separate section meetings for political scientists, economists, sociologists, and historians. Papers presented included "Some Problems in Taxation with Special Reference to Oklahoma," by Professor W. A. Schaper, of the University of Oklahoma; "Research Technique in Popular Government," by Professor Waldo Schumacher, of the same institution; "Notable Features of Latin American Constitutions," by Professor J. Lloyd Mecham, of the University of Texas; "The Treaty-making Power in the United States," by Professor C. P. Patterson, also of Texas; "The 'Political Question' in International Law," by Professor P. B. Potter, of the University of Wisconsin; and there were luncheon conferences on (1) the introductory course in government and (2) our Latin American relations.

The Fifth Commonwealth Conference, under the chairmanship of Professor Benjamin F. Shambaugh, will be held on June 27–29 at the State University of Iowa. The subject to be considered is municipal government and administration. Five round tables will be organized for purposes of informal discussion, and some of the leaders will be Professor William B. Munro, of Harvard University, Professor Charles E. Merriam, of the University of Chicago, Dr. A. R. Hatton, of Cleveland, Professor Thomas H. Reed, of the University of Michigan, Dr. Lent D. Upson, of the Detroit Bureau of Governmental Research, and Professor William Anderson, of the University of Minnesota. At the conference reports will be made of progress on the researches in municipal government and administration in Iowa upon which a number of students are now engaged. The results of these researches will be published by the State Historical Society of Iowa as Volume V of the "Iowa Applied History Series."

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The second Los Angeles institute of public affairs will be held in connection with the summer session of the University of California, Southern Branch, at Los Angeles on July 5–9. Among the main topics for consideration will be the reorganization of the administrative services of the state of California, with emphasis upon the steps necessary to render administrative consolidation practicable for the state. Governor C. C. Young and other leading state officials will participate in the discussion of this subject. Continuing the consideration of problems relating to the administration of justice, the institute this year will deal with the work of the American Law Institute, the organization of judicial councils, and the steps which are being taken to improve the administrative organization and efficiency of the system of state courts. Dean Roscoe Pound, of Harvard University, who was one of the lecturers before the institute last year, will again deliver lectures and direct conferences. Another main subject for several days will be the relations of the United States with Latin American nations. Dr. Leo S. Rowe, director of the Pan American Union, will deliver lectures and assist in the sessions devoted to this field. In addition to the more formal conferences and evening lectures, luncheons will be arranged for discussion of the subjects under consideration during the week.

Recognizing that public administration has been rapidly growing more technical, and that it presents many unique and difficult problems for which neither educational institutions alone nor private industries afford adequate training or experience, the University of Cincinnati is inaugurating in the year 1927–28 two courses in training for public service, one for engineers and another for non-technical students. The courses will be given under a system of coöperative instruction already employed in the colleges of engineering and commerce, the students working as public employees and studying in alternate months. The courses will be open only to a limited number of persons who give promise of exceptional usefulness in public service.

The Geneva School of International Studies, which has completed two successful sessions, has announced its program of courses and lectures for the session of 1927, which will extend from July 11 to September 2. All of the work will relate to international affairs, on the side of either politics or government, and the lecturers will include—in addition to sundry members of the League of Nations secretariat—some twenty-five scholars representing six or more different countries. American names that appear in the announcement are Professor Nicholas J. Spykman, of

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Yale University, deputy director of the school, Dr. R. A. Millikan, of the California Institute of Technology, and Professor Julian Park, of the University of Buffalo. The school's enrollment, which has exceeded five hundred in each of the two preceding years, is composed almost entirely of college and university students, predominantly of undergraduate standing. The ambition of the managers is to reach especially those students who will ultimately be leaders of public opinion in their respective countries.

A new review of international affairs, bearing the title *L'Ésprit International*, has been launched in Paris by the European center of the Carnegie Endowment for International Peace. The magazine will be published quarterly as a part of the Endowment's work in educating public opinion and in providing "accurate and unbiased information as to current international events." Professor Pierre Renouvin, of the University of Paris, is managing editor and M. Georges Lechartier, long associated with *Le Journal des Débats*, is head of the editorial board. Collaborating with M. Lechartier in the editorial work are M. Paul Appell, chairman of the European center of the Endowment; M. André Honnorat, member of the French Senate; Professor Henri Lichtenberger, of the University of Paris; and M. Nicholas Politis, formerly minister of foreign affairs in Greece. Besides general articles, the magazine will summarize events of international interest that have occurred during the quarterly periods, and will publish numerous treaties and other important documents.

The first incumbent of the recently established Carnegie professorship of international relations at the Hochschule für Politik in Berlin is Professor James T. Shotwell, of Columbia University, who began his lectures on this basis on February 22. The Hochschule für Politik is a unique institution founded since the fall of the monarchy. It is an institution for the study of politics in the same technical way that a graduate school of applied science carries on studies of physics or chemistry in their application to daily life. Members of the Foreign Office staff who are planning to spend their lives in this division of government work must follow a three-year course in the school. Professor Shotwell's strictly academic work in Berlin is solely with the Foreign Office staff in seminars, the general subject being the problem of national security, with special reference to the situation of America and those nations, members of the League, which have signed the treaty of Locarno. Dr. Ernst Jäckh, founder and president of the Hochschule, has lately been in the

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United States and expects to return in the autumn for an extended lecture tour under the auspices of the Institute of International Relations.

The fact that the various organizations engaged in municipal research have hitherto lacked a medium for interchange of information has resulted in considerable duplication of effort; many surveys have been made and reports written on subjects already covered by others in the field. With a view to remedying the situation, a municipal administration service has now been established through the coöperation of the National Municipal League and the Governmental Research Conference. As a central clearing house of information, this agency will render the same service to municipal administration that the National Municipal League has long rendered to the general field of municipal government. Bureaus of municipal research will be furnished, upon request, with a digest of the work done by other bureaus on specific projects. Copies of reports and special material, whenever available, will be sent out on a loan basis. Original investigations and reports will also be made as facilities permit. Furthermore, mayors, department heads, or other public officials may call upon the Service for information on budget, purchasing, personnel, city planning, paving, public utilities, public health, or any other current and recurrent problem of city government; and municipal reference librarians may refer inquiries on municipal administration to the Service for reply, or secure from it information with which to assist citizens or public officials on administrative problems. Taxpayers' associations, chambers of commerce, and other organizations, as well as individuals, interested in municipal administration, are likewise invited to avail themselves of the Service's facilities. Finally, it is planned to edit and publish studies and reports on those phases of municipal administration upon which there is at present a dearth of available information. The following subjects, among others, are being considered: policewomen in American cities; revision of building codes; traffic control; custody of city-owned buildings and lands; municipal cost accounting; the photostat recording system for official documents; preparations for major municipal emergencies; financing improvements by taxation or by borrowing; custody and control of motor equipment; planning and installing a street lighting system; and standardization of supplies. The Service is supervised by the following committee jointly representing the National Municipal League and the Governmental Research Conference: Frank L. Polk, chairman, William C. Beyer, Richard S. Childs, Harold W. Dodds, Luther Gulick, Lent D. Upson, and Henry M. Waite.

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The executive committee in charge of the projected Encyclopaedia of the Social Sciences has issued a memorandum calling attention to salient features of the undertaking and has announced that necessary arrangements for financing it have been completed and that Professor Edwin R. A. Seligman, of Columbia University, has been elected editor-in-chief. It is expected that the encyclopaedia will contain about ten volumes, each to comprise some eight hundred thousand words, and that six years will be required to bring the work to completion. The cost has been estimated at $600,000. A selling price of $7.50 per volume has been fixed, subject to a discount of forty per cent in favor of members of the participating societies, making the net price to them $4.50 per volume. The committee's ideas on the scope of the encyclopaedia are summarized as follows: "The encyclopaedia should cover, or at all events deal with, certain aspects of the following sciences: economics, sociology, history, political science, statistics, anthropology, jurisprudence, psychology, biology, philosophy, ethics, education, comparative philology, aesthetics, and religion. It should, in short, include all those sciences which are either primarily social in character and content or which have social connotations. A distinction should, however, be made between the social sciences proper, which deal exclusively with social matters, and the other sciences. In the first group would naturally fall economics and sociology. The other group might well be divided into two subordinate classes. One class, such as anthropology, statistics, and political science, is largely, but not wholly, social in character. Accordingly only a part of what is technically termed political science, statistics, or anthropology should be included in any such encyclopaedia of the social sciences. The second class is composed of the remaining sciences mentioned above, the social implications of which constitute a minor, although still important, part of the sciences in question. They would accordingly be represented in the proposed encyclopaedia only through special articles or in social ways. History, for instance, would be represented only to the extent that historical episodes or methods were of special importance to the social student. It is, however, precisely the social aspects of history, of jurisprudence, of psychology, of geography, of biology, of anthropology, of ethics, of linguistics, and of aesthetics which have come to the front in recent years; and it is the interrelations of these sciences with the more specific social sciences that it is especially important to emphasize." The representatives of the American Political Science Association in the executive committee are Professor John A. Fairlie, of the University of

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Illinois, Dr. John H. Logan, commissioner of education of the state of New Jersey, and Professor William B. Munro, of Harvard University.

Dr. Harry Pratt Judson, president-emeritus of the University of Chicago, died at his home on March 4 at the age of seventy-six. A graduate of Williams College and for seven years a professor of history at the University of Minnesota, Dr. Judson joined the faculty of the reorganized University of Chicago in 1892 as professor of political science and head dean of the colleges. In 1894 he became head of the department of political science, and in 1907 succeeded to the presidency of the university. His service in the latter office continued until 1923, when, upon retiring, he was made president emeritus. His publications in the political science field include "The Government of Illinois" (1900), "The Essentials of a Written Constitution" (Decennial Publications of the University of Chicago), and "Our Federal Republic" (1925).

Professor Victor J. West, of Stanford University, died on February 19 at his home in Palo Alto, Cal., after an illness of somewhat less than two weeks. Born in 1880 at Bushnell, Illinois, Mr. West received his baccalaureate degree in 1905 at the University of Chicago, where as a graduate student he held a fellowship in political science in 1908–10. In 1910–13 he taught at Northwestern University, going in the last mentioned year to Stanford, where he was a member of the political science staff (chairman of the department from 1919) until his death. In 1918, and again in 1920–21, he served as special investigator in the U. S. Bureau of Efficiency. In 1917 he published "The Foreign Policy of Woodrow Wilson" (with Professor E. E. Robinson), and when seized with his fatal illness he was nearing completion of an important volume on elections. Professor West was an exceptionally stimulating teacher, whose challenging "How do you know that?" will long be remembered by his students; he was an industrious investigator, in the fields particularly of legislation, elections, and party phenomena; he attended meetings of the American Political Science Association with unfailing regularity and as round table leader and in other ways contributed much to their success; and he had just completed his first year of valued service as a member of the board of editors of the REVIEW, in charge of the department of legislative notes and reviews. With his passing, the political science fraternity has lost an able scholar and a genial colleague.

Ex-governor Simeon Eben Baldwin, seventh president of the American Political Science Association, died at his home in New Haven on

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January 30, 1927, within one week of his eighty-seventh birthday. His more than three score years of professional life, subsequent to his graduation from Yale College in 1861, had given him national leadership in five distinct fields: teaching, jurisprudence, politics, scientific literature, and the activities of learned societies. Associated with the Yale faculty for fifty-eight years, he was likewise judge, governor, condidate for the United States Senate and for the nomination for the presidency of the United States. At one time or another, he was president of seven national learned societies, and he was the author of a dozen books. A brief appraisal of his multiple contributions admits of little more than an enumeration.

Having practiced law for six years, Mr. Baldwin began teaching this subject in 1869, at Yale, where he continued his faculty relationship in various ranks until his death. Graduate instruction in the law was, indeed, one of his major interests. He had faith that legal and political science could be developed through the cultivation of the few creative scholars, without, however, excluding passive students from exposure to a less exacting form of learning. About a year before his death, he was asked how many students he usually had in comparative jurisprudence. He smilingly replied, "Sometimes three; sometimes one; never more than four."

Professor Baldwin became associate justice of the Connecticut Supreme Court of Errors in 1893. Fourteen years later he became chief justice, and the esteem in which he was held by jurists has been well expressed by one of his successors, Mr. Chief Justice George W. Wheeler: "He was beyond question the greatest man Connecticut has produced in that time." Having relinquished the chief justiceship in 1910, as a result of the retirement law, Judge Baldwin subsequently served two arduous terms as governor of Connecticut—the first Democrat elected to that post in twenty years. During these four years he promoted constructive legislation and wielded his veto power fearlessly. Many of his communications to the legislature read like classic lectures in the science of government or like the critical analyses of a seasoned seminarian. Rapidly he achieved national recognition. In the Democratic national convention of 1912, at Baltimore, he was placed in nomination for the presidency, but eventually his supporters respectfully cast their votes for his immediate predecessor in the presidency of the American Political Science Association—Woodrow Wilson.

As an author, Governor Baldwin was unusually cautious and mature in reflection. His first book was published at the age of fifty-five, his

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last at seventy-nine. His "American Judiciary" and his "Relation of Education to Citizenship" should remain in special favor with political scientists; while approximately ninety of his articles in journals have added to his fame at home and abroad.

This same maturity of reflection dominated Mr. Baldwin's leadership in the seven national and international learned societies of which he was president: the American Bar Association, the Association of American Law Schools, the International Law Association, the American Society for the Judicial Settlement of International Disputes, the American Historical Association, the American Social Science Association, and the American Political Science Association. In his presidential address before the last-mentioned organization he strikingly expounded "The Progressive Unfolding of the Powers of the United States," which had been "unfolded in arithmetical progression until 1861, and since then in geometrical progression," and which seemed to him to disclose the chief magistrate "as an emperor in all but name."

To those social alarmists who fear degeneracy among the descendants of old and distinguished families, the life of Judge Baldwin should sound a note of cheer. For his father was Roger Sherman Baldwin, who was twice governor of Connecticut, and also United States senator during the Webster-Clay-Calhoun era. His grandfather was Simeon Baldwin, justice of the Connecticut Supreme Court. Roger Sherman, signer of the Declaration of Independence and of the Constitution of the United States, was his great-grandfather; and the Reverend Thomas Clap, the first president of Yale College, was his great-great-grandfather. In short —as the late Judge Henry Wade Rogers asserted in urging his nomination for the presidency of the United States—Judge Baldwin represented "all that is best in the intellectual and moral life of New England, and of the country."

MILTON CONOVER.

Yale University.

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BOOK REVIEWS

EDITED BY A. C. HANFORD
Harvard University

Present Status of the Philosophy of Law and Rights. By WILLIAM ERNEST HOCKING. (New Haven: Yale University Press, 1926. Pp. x, 97.)[1]

This thoughtful little book treats a fundamental problem of the philosophy of law, namely, whether it is possible to comprehend scientifically that which in German discussions since Rudolph Stammler has been commonly spoken of as "*richtiges Recht.*". Or I might put it this way: the problem which Hocking undertakes to solve is the relation between law (*positives Recht*) and justice (*Gerechtigkeit*) as the psycho-moral basis of all legislation. Even in the statement of the problem there is expressed a very important and far-reaching (*folgenreich*) change in the basic attitude of the modern conception of law, which the author has recognized keenly and which constitutes the starting point of his investigation. Since the beginning of the nineteenth century the historical school of legal science, first in Germany, and afterwards in France and England, has gained the greatest authority and has accomplished a tremendous achievement. It has shown that only positive law as the basic, and indeed the strongest productive factor in the life of every people, when comprehended in its historic evolution, can constitute the secure basis for a scientific theory of the growth of law. However great the accomplishments of the historical school have been and its reactions on the prestige of that classical philosophy of the law from Grotius to Kant and Hegel, and from Hobbes to Bentham and Austin, which grew out of the rationalism of the seventeenth and eighteenth centuries, still it is indisputable that the historical attitude has not been able to prevent the ancient questions concerning the lasting, historically invariable principles and cognitions from again being raised, and from being put ever more urgently, for perhaps two decades. This highly noteworthy fact finds significant expression in the appearance of the development of a new natural law, which in Germany branches in two directions starting from Kant and Hegel, as well as in the development of a new Hegelianism in England.

[1] This review is translated from the German.

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The author of the present book has taken as his first task that of setting forth the position of the contemporary philosophy of *"richtiges Recht,"* and to this end has thoroughly analysed the doctrines of Rudolf Stammler and Joseph Kohler, the two most significant contributors to the modern German philosophy of law. That the results of the researches of these two outstanding scholars differ at almost every point is not astonishing, for the reason that Stammler and Kohler have set out from entirely different points of view. The former scholar bases his ideas upon a critical investigation of the theories of economic life and of socialism; Kohler, on the other hand, chose as the foundation of his philosophy of law the broadest and keenest comparison of the law of all peoples and ages, a body of scientific knowledge of the law such as had never existed before him. In the last analysis, however, as Hocking aptly points out, the results of the investigations of Stammler and Kohler are different only in so far as the two men put the question differently. The answers which result therefrom in no wise contradict one another; rather, they illumine the basic problem of *"richtiges Recht,"* i.e., the separation from different sides of the historically variable from the absolute, persisting elements in the essence of law. The whole thing with Kohler and Stammler finally comes down to the opposition between the individual and those purposes vitally important for society. According to Stammler there is here the possibility of setting up a fixed (*fest*) standard, a lasting guide for the lawgiver in the establishment of a purely formal principle, namely, the recognition of that which the community strives to establish as law. On the other hand, Kohler lays down as the fixed standard for the constitution of law the subordination thereof to the demands of the existing human civilization, as the vital law of which is set up the striving for the highest conceivable development of the intellectual powers of man and of his mastery over nature. Thus the *"Kulturstaat,"* rather than the *"Rechtsstaat,"* appears as the higher ideal to which the lawgiver has to turn in those cases in which existing law and the development of civilization come into conflict with one another.

It is easily seen that both with Stammler and with Kohler the social conception of law and state finally lead to the solution of the problem; that for us, in the epoch of history in which the peoples of the white race at present live, a fixed guide for the constitution of new law, *"richtiges Recht,"* cannot be found unless we approach the subject from the viewpoint of democracy (*Volksgemeinschaft*), indeed of the community of all peoples. That this is true, is a cognition which is acces-

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sible even to him who stands entirely on the ground of the positive law in the nineteenth and twentieth centuries.

The result of his analysis of the modern German philosophy of natural law forms the starting point for Hocking's own doctrine. From the fact that a natural feeling for the difference between law and justice is peculiar to man, it follows that the first rule of *"richtiges Recht"* must be the principle "no injustice," which is valid even in its complete inversion. Hocking aptly cites a series of decisions by American courts in which, in the place of the rule clearly laid down by positive law, *"richtiges Recht"* has been laid down anew. In these decisions even the rights of the individual created by natural law are determined positively despite their absolute character, e.g., in the case of their being laid claim to in the form of a pettifogging application of the law. Here the great power of the discretionary freedom of the judge comes into action. In order now to explain what justice in this case means as opposed to strict law, the author turns to a comprehensive series of ideas of legal philosophy, which is the more interesting for the jurist as he brings the points of view of a philosophy of law into inner connection with psychological and sociological points of view. Hocking's goal is the establishment of definite principles, which shall enable the lawgiver to create *"richtiges Recht."* These principles are absolutely valid as "natural" law. As such a basic principle, the author finally sets up the proposition, which according to his view exhausts the whole "natural law," that every individual must be able freely to develop the powers which are given him. Not the right to freedom, to personal happiness, not even that to one's own life, has absolute validity; such extends only to the right to individual self-development.

This fixed rule of justice in lawgiving goes back, in the last analysis, to the basic proposition of all creation of law, which is expressed in the negation, "No injustice to anyone." The trail to this goal is blazed by the author by subtle, yet at the same time admirably clearly presented, trains of thought, in the center of which is the author's conception of presumptive law, or, as a jurist might perhaps rather say, of certain elemental fictions of lawgiving. This "presumption" or "fiction" lies, for Hocking, in the universal assumption (admitting no exception) of lawgiving, that for the law all individuals within the community are equal. While the law in individual cases does regard as relevant the actually existing differences between men, it gives clear expression to the rule of the irrelevancy of those conditions of life established by nature for the individual. The farther "positive" law evolves from the

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law of status to a law of contract, the possibility continually increases of taking into consideration in the law the particular conditions of the life of the individual. The productive force of such presumptions of the law lies now in the fact that these constitute a guide-post for the development of civilization (*culturelle Entwicklung*) as, for example, in the case of the equality of men before the law, the continuous approach of the world of man to this ideal promotes an effective tendency of social development. As the author fits into his train of thought Duguit's well-known theory of the right of the individual as a social function, he arrives at his basic principle that the presumptions of the law are nothing else than the conditions under which individuals normally develop their powers. Therefore, as the cardinal principle of justice, the postulate must be set up, that every individual must have the right to develop his powers freely.

The manner in which Hocking links up with this result a separate exposition of "specific leading or guiding principles" (*spezifisch führend oder Leit=Prinzipien*) cannot be set forth in detail without transgressing limits of space. Equally impossible is it to set forth, even by way of suggestion, the doubts which I have as to the basic idea of "*richtiges Rechte*" as the essence of modern natural law. These doubts are based, first of all, on the fact that, proceeding on this idea, the bounds between ethics and law are completely obliterated. By so doing, however, the philosophy of law is doing the science of law no service. Philosophy has long since recognized the concept of law as a negation; its content is simply the denial or parrying of wrong (*des Unrechtes*), which Hugo Grotius has aptly defined as the positive element in his proposition: *Jus nihil aliud quam quod justum est significat idque negante magis sensu quam ajente, ut jus sit, quod injustium non est.* From this it follows, too, that the natural principles thought of as absolute, as in the present case the fundamental principle of Hocking, have, after all, only negative content, namely, the negation of "injustice," and hence the negation of all positive law, which hinders the individual from freely developing his powers. A further doubt with respect to the author's basic principle of natural law rests for me in the fact that in this definition there is absolutely no reference to the social body, and that, also, in the unavoidable conflict between individuals, who are declared to be entitled by natural law fully to develop their powers, no other ethical or legal bounds seem to be set up than the ancient formula of "*neminem laede*", or "no injustice." Yet he who, like the author, is convinced that in the philosophy of law absolute concepts have completely lost that scientific significance

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which the rationalistic age gratefully attributed to them will expect nothing better from the basic principles of natural law than that which the historical and sociological jurisprudence of our time has given to him, even though it be in the relativity of empirical knowledge. Therefore I wish to stress the point that it is precisely in the component parts of the argumentations of the author, in which he builds up his ideas in an empirical way—be it of psychological or of sociological knowledge of the phenomena of law and lawgiving—that the peculiar worth of this book lies, which stands entirely independent of my consent to his final conclusions.

JOSEPH REDLICH.

Harvard Law School.

Due Process of Law: A Historical and Analytical Treatise of the Principles and Methods Followed by the Courts in the Application of the Concept of "The Law of the Land." BY RODNEY L. MOTT. (Indianapolis: The Bobbs-Merrill Company. 1926. Pp. lxxxi, 702.)

It must require a very high order of courage to undertake a seven-hundred-page book on due process of law. Many have been bold enough to attempt a short article, but a volume of this scope aiming to accomplish the ambitious purpose set forth in the subtitle is quite a different matter. Probably no one realizes more keenly than Professor Mott how numerous and dangerous are the pitfalls. There is, of course, the appalling task of reading the thousands of cases relating to the problem and being sure that one has read them all. There is the danger in interpreting them that one will be overwhelmed by details and not see the town for the houses. There is the corresponding danger that one may generalize too broadly and think he sees a town where there is nothing but a house or two. There is the certain realization that the whole subject, from beginning to end, is a highly controversial one, that nearly every one has his own pretty definite preconceptions about it, and that our venturesome author is bound to be told by dozens of people who have never put their own ideas into print how wrong he is about nearly everything. But in the face of these risks Professor Mott did write the book, and we owe him gratitude in no small measure. He has written quite the best book we have on due process of law. And lest he and the readers of this review, familiar with the previous literature on the subject, feel that this is a feebler tribute than his work deserves, it may be added that he has given us a book embodying the fruits of sound scholarship, and bristling with the evidences thereof—a book which is so rational

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and moderate in tone that it commands respect even where it does not compel agreement. And in the case of the present reviewer it compelled agreement by the sheer weight of its evidence on a number of points where an opposite result had, with some relish, been anticipated.

The vast body of material dealt with is clearly organized, although doubtless a certain amount of overlapping is, on account of the nature of the subject matter, inevitable. The first two hundred pages give an admirable survey of the origin and evolution of the concept of due process of law from Magna Carta down through English, colonial, and early American legal history. This is followed by six parts, comprising two or three chapters each, dealing respectively with the following topics: due process and procedure, classification, the police power, power to alter corporate charters, and due process and public purpose. The author then devotes two valuable chapters to "questions of fact and public opinion" in due process cases, and concludes with a final chapter on "the function of due process of law."

It is impossible in a brief review to give an adequate impression of the subject matter of such a volume or the thoroughness with which it is treated. All that can be attempted is to register a few of the more striking impressions made upon the mind of the reader. The historical material, which is exceedingly valuable, brings out sharply that the concept of "the law of the land," or due process of law, was from the beginning deemed to be a limitation, not merely upon executive authority, but upon legislative power as well. In other words, it was never a purely procedural restriction in the narrow sense. While Professor Mott makes this very clear, the reader is left in some confusion as to whether due process restricted only the exercise of legislative power which dealt with procedural rights or applied equally to legislation affecting the substantive rights of the individual. A most interesting portion of the book is concerned with the question whether due process has included, and ought to include, the guarantee of equal protection of the law. The author finds hopeless conflict and confusion in the cases on this point, and while strongly urging that due process ought to include equal protection he is obliged to admit that the federal courts seem to be drifting in the other direction. One of the most valuable features of the consideration of due process in relation to the police power is the excellent discussion of emergency police legislation. Professor Mott takes the Supreme Court to task for what he apparently regards as a rather happy-go-lucky attitude toward the requirement of public purpose in taxation in the case of Green *v.* Frazier. He feels that there are, and ought to continue to

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be, reasonably definite tests of public purpose and objects, as many of us do not, and that the court should have regarded as adequate, and should have accepted pretty much at its face value, the belief of the North Dakota legislature and court that the purposes in point would promote the general welfare of the state. In dealing with the matter of "questions of fact and public opinion" he gives us an excellent chapter on evidence in due process cases. Recognizing that most determinations of due process are actually judicial findings upon the facts involved, he sets forth four rules of evidence which he thinks guide the courts in judging these facts. There follows in the same section an illuminating chapter on "legislative judicial determinations of fact and judicial technique," in which is considered the measure of respect accorded to such legislative determinations by the courts.

Professor Mott is essentially conservative and orthodox in his view of the judicial interpretation of due process, especially its current application in police power cases. He believes that in this work the court follows "well recognized and ascertainable rules and principles of law." In fact, in his closing chapter on the function of due process of law he tells us what these principles are. There are five of them (see pages 596ff). From this it follows, according to Professor Mott, that the courts do not decide due process cases "on the mere basis of policy, whim, caprice, temperament, or what not," which would mean that "they are merely acting as a third legislative chamber." To all of which many of his readers will feel inclined to reply that any such principles in regard to due process of law merely describe the courts' practice rather than control it, and that after all proper veneration has been accorded the principles in due process cases plenty of room is still left for judicial legislation based upon "policy, whim, caprice, temperament, or what not." However, if a man who has read some four thousand cases on due process of law still believes that the courts do not indulge in judicial legislation, far be it from the present reviewer to start an argument with him.

A word may be said regarding the bibliographical apparatus of the book, which is exceedingly imposing. The author has apparently attempted to cite in the notes all the pertinent cases, which has meant, of course, the use of a very substantial amount of space. In the reviewer's judgment this space in most cases would have been better employed in text discussion. However, if there are readers interested in knowing the names and citations of the one hundred and fifty-six cases (covering two and a half pages) holding that a state may pass a prohibition law

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without violating the due process clause, here they all are. In the citation of other authorities Professor Mott has been less thorough. This is particularly true of the law-review literature, and, in less measure, of texts and monographs. In the chapter on due process in legal treatises there is only an indirect allusion, in connection with a very minor point, to Willoughby on the Constitution in a summary which includes Hall and Burdick. It is even more difficult to understand the absence of any reference to the important articles on due process by Corwin in the Michigan and Harvard Law Reviews, not to mention one or two valuable studies by McBain. There are several other similar omissions. And finally Professor Mott would have increased our debt to him immeasurably if he had given us a comprehensive classified bibliography on the subject of due process of law. At any rate, the authors' names might well have been included in an index. For the reader's convenience, the references in the table of cases cited should be to pages, and not to sections, which are sometimes many pages in length. These are, however, but minor criticisms of a book which will be of very great value to teachers, scholars, and practitioners.

ROBERT E. CUSHMAN.

Cornell University.

Constitutional Problems Under Lincoln. By JAMES G. RANDALL. (New York: D. Appleton and Company. 1926. Pp. xx, 580.)

Not only did the Civil War arise primarily out of a constitutional question, but it was waged under the shadow of the Constitution, if not always within its precincts; and this fact, as Professor Randall is able to show, had time and again material effect upon its conduct. What is more, some of the most important problems raised during that war have recurred since in connection with the World War—conscription and confiscation, for instance—and may recur again; while still others belong to the jurisprudence of peace no less than to that of war. Yet again, the Civil War is still with us in more ways than one, and one of these is in its effect upon the Constitution.

So Professor Randall was in position to give us a work of permanent value, and it may be said at once that he has utilized his opportunity most satisfactorily. The scope of the volume is indicated by its chapter headings: "The Legal Nature of the Civil War," "The Law of Treason," "The Power to Suspend the Habeas Corpus Privilege," "Military Rule and Arbitrary Arrests," "Martial Law and Military Commissions,"

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"The Indemnity Act of 1863," "Legal and Constitutional Bearings of Conscription," "Emancipation," "State and Federal Relations," "The Partition of Virginia," "The Relation of the Government to the Press," and so on; and the treatment of each topic is correspondingly thorough. First, the relevant constitutional questions are set forth with painstaking accuracy; next the course of discussion pro and con is reviewed with understanding and illustrated with well-chosen quotations; then the practical importance of each constitutional issue from the point of view of the conduct of the war is appraised, so far as research enables this to be done; lastly, the solutions finally arrived at, when these were decisive solutions, are indicated with precision. Mr. Randall's work will not have to be done again.

For the student of contemporary constitutional law the two most interesting chapters are IX and XVII, dealing respectively with the Indemnity Act of 1863 and the relations of the states and the national government during the Civil War. The Indemnity Act was necessitated by the fact that very early in the war federal officers, even members of the cabinet, were attacked in the state courts for acts done in the performance of duty. But in safeguarding national officials from private suit, Congress rather overdid the business, creating often real injustice. "A different course," says Professor Randall, "might have been taken; for the injured party could have been permitted to recover damages, and then the damages could have been assumed by the United States" (p. 205). This is in line with Professor Borchard's meritorious campaign to make the United States liable in tort.

Anent federal and state relations, Mr. Randall arrives at this interesting and entirely sound conclusion: "When a close study of the war is made with respect to this problem some of the generalizations that have become familiar to historians break down, and the fact that stands out as most striking is . . . . the large extent to which the nation's business was left with the states . . . . . The national government did not extend its power by the assumption of state functions so much as by taking to itself the conduct of its own affairs. The nationalizing measures, in other words, were for national objects. They may be best understood, perhaps, as measures to overcome undue decentralization" (p. 432).

The appraisal which Mr. Randall makes of Lincoln's theory of his war powers is also striking: "Lincoln believed that rights of war were vested in the president, and that as president he had extraordinary legal resources which Congress lacked" (p. 574). But, as Mr. Randall goes on to show, this theory is hardly borne out by the later decisions

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of the Supreme Court, the decision in the Prize Cases aside. What Mr. Randall overlooks is that Congress' powers under the "necessary and proper" clause had been so worn away by narrow construction in the years before the Civil War that if the Union was to be saved at all, it must be by falling back on a source of power which had not been subjected to this dissolving process. Again we see that the Civil War was restorative of correct constitutional theory.

A few criticisms may be noted. Contrary to the suggestion on p. 13, secession was urged in 1861 as "a basic popular right" even more largely than as "a lawful procedure under the Constitution" (see "Farewell Speeches" of the southern senators in January, 1861). The latter argument gained currency when the former one had been discredited by the Confederacy's defeat. It is doubtful if the distinction between "people of the States" and "people of the United States" was of much significance in 1787 (p. 15); at that time the significant antithesis still was the Lockian one of "people" (individuals) versus "governments" (organized political institutions). The statement (p. 30) that the Philadelphia Convention "definitely intended to preclude an aggressive war" is most questionable. The term "declare war" was employed because the purpose of the clause was to assign to Congress an element of royal prerogative. The statement quoted on p. 35 from Mr. Taft's "Our Chief Magistrate," that "there is no undefined residuum of power" belonging to the president seems to run counter to Mr. Taft's subsequent researches on the subject as embodied in his recent opinion in the Removal Case (Myers *v.* United States). The note on p. 76 regarding the point at issue in the Burr trial is at best misleading, as is also the statement on p. 79 with reference to pardons. Quite at variance with his usual thoroughness, Mr. Randall overlooks (Chapter VI) the view of Theophilus Parsons, that the president has a concurrent power with the Congress to suspend the privileges of the writ of habeas corpus in cases justifying a declaration of martial law—a view which seems to be assumed in the Milligan Case. In justifying the Reconstruction Acts, the "necessary and proper" clause in relation to the power to suppress insurrection seems to have been overlooked (see p. 238; cf. Stewart *v.* Kahn, 11 Wall. 493). The statement (pp. 302–303 n.) that the taking over of German property during the late war under the Trading with the Enemy Act "has been treated as a temporary custody rather than as confiscation" has to be modified in the light of the recent decision in United States *v.* Chemical Foundation (decided December 11, 1926). Houston *v.* Moore (5 Wheat.) is not to be reconciled with Kentucky *v.* Dennison (24 How.) in the way

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suggested by Mr. Randall (p. 420). The two cases represent opposed points of view.

One criticism of technique must be added. United States Supreme Court Reports anterior to 91 U. S. are cited by Mr. Randall indifferently by reference to the name of the reporter, and as "U. S." volumes. Thus Miller *v.* United States is cited first (p. 42) to "78 U. S.," then (p. 295) to "11 Wall." The latter is the preferable, because more common, usage.

EDWARD S. CORWIN.

Princeton University.

The Modern State. BY R. M. MACIVER. (New York: Oxford University Press. 1926. Pp. xii, 504.)

Political theorists are already indebted to Professor MacIver for some of the most useful contributions which sociology has made to English political thought, all centering about the fertile idea contained in his earlier volume on "Community." It was Professor MacIver, as much as any other, who showed a way out of the Serbonian bog of the "group mind" by pointing to the more flexible nature of social community as a setting for the state as well as of all other associations. Like all ideas of any real fertility, the notion of community has needed a deal of clearing up before it could be useful to political theory. The play which Mr. G. D. H. Cole has made with community in the "communes" and the "functional representation" of his "Social Theory" indicate possible distortions of the concept which are as dubious as any of the uses to which the "group mind" has been put in describing political structure. "The Modern State" corrects these distortions and puts the essential problems of theory in as just a perspective as one could wish. It is adequate not only to the description of facts, but as well to a normative interpretation of the ethical and evaluative aspects of politics—a very rare achievement for a single volume.

By insisting upon the distinction between the integral unities of areas of social life such as nations, tribes, villages, etc., and the partial unities summed up for a single type of associational end by states, parties, business firms, etc., Professor MacIver guards against the confusion of the state with society at large, or even with the national community of which the state is only a partial aspect. The state is an association, not a community, because it is "organized in a definite way and therefore for limited ends. The organization of the state is not all social organization;

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the ends for which the state stands are not all the ends which humanity seeks . . . . ."

On the other hand, although "in respect of origins we might even say that there were state-institutions before there was a state at all," the state as an association is, by its nature, unique in the rôle which it plays. Nor is it merely an institution; for institutions are properly only social modes of action. The state in the modern world is an organized membership dependent upon a "common," not upon an imposed, will. The usual conception of the general will is thus corrected to mean not a metaphysical or an institutionalized general will *of* the state, but an associational unity of will (or purpose) *for* the state.

If any criticism of Professor MacIver's fine restatement of this basic concept of democracy be possible, it will have to concern itself with what is perhaps a failure to make explicit the technique by which this ultimate sovereign, the general will for the state, gears itself to the control of the legislative sovereign or, more simply, the government. It is quite true that the state is a limited association, since its purpose is only the legal organization of the community. But does not its investment with sovereignty argue that its constitution is the only practicable means of determining the limits of political community? If this be so, it will demand some slight revision of the notion of community. The constitution will be conceived as an effort to shape the form of political association to the limits of community. Communities of any sort will be treated as only relatively self-competing and permanent areas of social life. Nations, in short, will achieve more completely integrated political form than cities or villages, to the degree that the community upon which they rest their constitutional structure represents a more extensive social need. But that will not prevent, possibly, the intensity of communal focus being strong in the village, or the extension of the area of community of purpose extending beyond the limits of the nation. In this respect, the study of federal structure would have added value to Professor MacIver's application of the state-as-association idea had it afforded some relation between the limits of community and the form of association—a necessary problem of technique.

Every political scientist, however, will profit by the fresh perspective from which "the modern state" is viewed. The historical treatment of the emergence of state from family origins through class, city, empire, feudalism, nationalism towards democracy is beautifully done within the scant limits of the hundred pages into which so sweeping a view must be compressed. The succeeding chapters, although they bear familiar

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headings, are the best brief treatment of the limits of political control, the problem of authority, the rule of law, the relation of political to economic power, the division of powers, and the nature and forms of the state that are known to the present reviewer. The whole book is pitched on a high plane of analytical condensation and generalization that will perhaps make it difficult going for the average undergraduate, but will, by the same token, render it invaluable to the mature student who is not apt to be lost among allusions.

W. Y. Elliott.

Harvard University.

Imperialism and World Politics. By Parker Thomas Moon. (New York: The Macmillan Company. 1926. Pp. xiv, 583.)

There can be little doubt that Professor Moon's new volume will meet with a cordial reception at the hands of the historians and political scientists who are seeking to interpret for their students the complex facts of international life which are the raw material of a nation's foreign policy. The day is passed, it is to be hoped, when diplomatic negotiations, alliances, balances of power, and wars will be studied, as they were a generation ago, chiefly in the light of dynastic rivalries and racial antipathies. The separation of foreign politics from economics may have had some justification before the effects of the industrial revolution were widely felt. To-day, economics and politics intertwine quite as intimately in our international, as they do in our national, life.

There have been, it is true, within recent years numerous monographs and technical studies dealing with one aspect or another of the exploitation of "backward countries" by the great military and industrial states. The special value of Professor Moon's study is that it is the first attempt to give us a synthesis of the great variety of world events which may seem at first to have little connection with one another—European alliances and Chinese loan agreements, competitive armaments and commercial coöperation, British policy in Egypt and French policy in Morocco, the rivalry of British and American interests in Central America and the revolutions that have beset those countries. It is a survey, as the author describes it, "of the causes and motives, the history and the effects of imperialist world politics during the nineteenth and twentieth centuries." The unity of the picture appears when we find political alliances, protectorates, and spheres of interest, intervention to protect the lives and property of citizens, and even the encouragement and support of Christian missions, revolving around the quest for

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new markets for manufactured goods, additional supplies of the raw materials of manufacture, opportunities for investment in railways and mines, and other economic advantages.

Through all this tangled maze Professor Moon threads his way, and tells the story both clearly and graphically. There is no sacrifice of scholarly accuracy in giving us, as he does, a living picture of modern diplomatic history. After introductory chapters analyzing the business interests and the social forces underlying imperialism, the author takes us first to Central, West, East, and North Africa in succession, then to the Near East and the Middle East, then to India and the Far East, then to the private preserves of the United States in Central America and the Caribbean. Then follows a chapter dealing with the new order of the League of Nations and its mandates, and a final chapter of "conclusions" sums up what imperialism has accomplished in the past and states the present problem as the author sees it.

On the whole, Professor Moon is discreet in his judgments upon the motives of the Great Powers in their exploitation of backward countries. He is aware of the difficulty of determining with finality the influences that have been brought to bear upon foreign offices and the particular person or persons responsible for the action of governments, as, for example, in the case of the recognition policy of the United States toward the changing governments of Central America and the Caribbean. Of this much, however, there would seem to be ample evidence—that foreign offices, including our own Department of State, have frequently spoken in the name of the state when their voice represented but the barest minority of public opinion. The interests represented by this minority are well summarized by the author in his introductory chapters, and they play their special parts in each chapter thereafter.

Professor Moon has put us all in his debt by his brilliant and timely study. The use of his text in courses on modern history and international relations will be an added impulse to the tendency that has been manifested in recent years to put the student in touch with the vital facts which lie behind the traditional cant of diplomacy and the official explanations of governments. In presenting us with the record of these facts, in interpreting them with so much insight and candor, and in narrating them in such a graphic manner that their meaning cannot be misunderstood the author has performed a service which cannot fail to make itself felt in an increasing interest on the part of the student in international law and politics.

C. G. Fenwick.

Bryn Mawr College.

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Foreign Trade and World Politics. By HERBERT F. FRASER. (New York: Alfred A. Knopf. 1926. Pp. xiii, 346.)

The author describes his book as a "study of the international foundations of prosperity," which he regards as being political as well as economic. He harks back to the term "political economy" as being truly descriptive of the interdependence of economic and political forces, pointing to the fruitlessness of an economic program that makes no provision for the establishment of political relations upon which exchange may take place. It is the danger that such a one-sided program may thwart American hopes for continued prosperity that Professor Fraser foresees, and his book, if it has a purpose, is designed to assist in broadening the program by indicating the necessary political implications of America's economic development to the status of a great international trading and investing nation.

The author first sketches the fundamental principles of international trade and finance, emphasizing the central fact of exchange and describing simply and pungently the inner working of the modern exchange system. He then analyzes, briefly but comprehensively, the arguments for and against a protective tariff in America, concluding that "if we are to increase the prosperity of this country we must get rid of those industries which cannot in the face of free competition pay the normal American rate of wages and give the normal return to American capital" (p. 50); in other words, protection is out of date. He regards it as necessary that duties should be reduced not abruptly, but gradually, and foresees the adoption of such a policy even by the Republican party. The relation of the farmer to this issue is developed; the fallacy of "all-around protection" is exposed; while the unfortunate position of the farmer is ascribed to the high duties on the sort of goods that the farmer must buy as well as to the change in the position of the United States from a debtor to a creditor nation. For the farmer, as for the exporting manufacturer, "protective" tariffs should be called "destructive" tariffs. America's dependence upon foreign trade is emphasized, and it is pointed out that prior to the war economic internationalism had become a fact.

At this juncture the argument turns to various aspects of economic imperialism, which Professor Fraser condemns without qualification. "It is," he says, "sheer economic folly of the 'penny wise, pound foolish' kind to maintain costly armies and navies to force upon backward peoples trade which at most is a mere bagatelle compared with a modern nation's international trade and its commerce with nations as advanced

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as itself" (p. 120). He devotes a chapter to the reparations and debt problem, in which the average American's attitude toward his country's responsibility for the European "mess" is thus restated: "Did they not buy liberty bonds, furnish liberty motors, eat liberty bread, and do a hundred and one other liberty things; and who went away with the liberty but Europe?" (p. 123). Of the Dawes Plan schedule of payments he writes: "It is safe to say that before the fifth year the impossibility of paying any such sum will be clearly seen" (p. 134). Secretary Hoover's argument on the payment of European debts to the United States is rephrased in the terms of sound economics to read: "It is not at all necessary for us to injure our home manufacturers to be paid back—we can let our farmers and other exporters bear that burden, through further losses of European markets" (p. 138). The author believes the cancellation of the debts to be justifiable upon economic grounds.

The remainder of the book is devoted to a demonstration of the "folly of building an international economic system in a world lacking international organization" (p. 164). The pre-war generation of imperialism and national sovereignty is reviewed, and the author, although obviously less certain of his ground here, is not unwilling to reach quite definite conclusions regarding the responsibility for the war. This section of the book is not well composed for the smoothest connection with the earlier chapters. In these the principles involved stand out distinctly against a background of recent facts, but in the later ones the principles struggle rather vainly with the narrative. The final chapters on American commercial policy as it has been, or should be, affected by the war and on world organization also fail to maintain the freshness and suggestiveness of the economic argument. They show a tendency toward too sweeping generalizations and inexact, if not journalistic, phraseology. The anticipated careful synthesis of the economic problem with the political methods of handling it does not materialize. The reader is left with the feeling that the author has made a home-run but has failed to touch the plate.

H. S. QUIGLEY.

University of Minnesota.

Foreign Policies of the United States. BY J. Q. DEALEY. (Boston: Ginn and Company. 1926. Pp. viii, 402.)

This volume is quite different from any other which deals with the foreign policy of the United States. It is not a history of our foreign

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relations, nor a discussion of American policies with reference to foreign states. It is an attempt to discuss historical policies very briefly, putting them in their world setting, and in their social backgrounds.

The book is divided into three parts, the first sociological, the second chronological, the third topical. The first, called "Bases and Agencies," deals with geographic and climatic conditions, natural resources, and racial factors as bases, and then discusses the methods by which the government arrives at policies and puts them into effect. It is a valuable discussion—the most original part of the volume. Foreign policies are very often dealt with as though they were formed in a vacuum—or, what is effectively not much different, in the minds of men operating upon the basis of their own free wills and choices. This section of the book reveals policy as the resultant of various pressures. Yet the statement is not wholly satisfactory. Parts of it seem disproportionately long when considered in relation to their actual effect upon the growth of policy. Much of the chapter on racial factors and immigration has only conditional value in the discussion. Admittedly, immigration policies are both national in their formulation and international in their effects, yet the discussion here emphasizes chiefly the former. Only about one-third of the chapter on the formulation of policies through government has a bearing on the formulation of the foreign policies of the United States. In the discussion of sea power and the navy in diplomacy, there is only brief mention of the Monroe Doctrine, and then only in connection with the police power. This chapter, however, shows markedly the effect of official views which have grown out of the author's connection with the Naval War College.

The second section develops an extraordinarily swift, compact, but clear narrative. The space allowed is small, and it is remarkable how much is gathered in for description and comment. It becomes clear that long stretches of American history are thought by the author to have had very little effect upon American foreign policies. Less than twenty pages are devoted to the period from 1815 to 1870, leaving a sketchy impression. In dealing with the Monroe Doctrine the situation which precipitated the announcement of policy is treated adequately, but the traditional and historical bases of the ideals involved receive little notice. The statement that "after some mutterings of empty protest, Europe settled down to digest more at leisure the inner meaning of this declaration from the upstart republic across the Atlantic," passes off an important and knotty problem with a vague gesture. So compact a narrative is almost certain to lead to minor inaccuracies, and there are

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several, such as reference to the Hay-Pauncefote "treaties" of 1900 and 1901, though only one ever became more than a draft.

The golden rule theory of American foreign policy gains a rather striking place, particularly for a book which emphasizes environmental factors. "The golden rule period would cover broadly the first fifty years of national existence. During those years the United States was a weak nation, looked on as a fit subject for exploitation by European powers, and, being weak, it might supplicate but it could not demand. The best that it could do was to assert its rights, to plead for justice, and to appeal to the idealism of the crude and ill-defined 'law of nations' . . . . . This attitude gave idealism to its statements of policy . . . . . Toward the close of the first fifty years . . . . the United States had become powerful . . . . . The Monroe Doctrine therefore had a slightly different tone: it still emphasized the golden rule, but it also reminded Europe that America had force and would use it if necessary" (p. 135). The golden rule is mentioned several times, and in some cases in connection with moralizing passages, as when (p. 238) the author urges that in dealing with the Caribbean area the actions of the United States "should harmonize with the golden rule and should be free from the suspicion of grasping ambition or exploitation, for 'he who seeks equity must do equity.'"

The stress put upon the golden rule as the guiding principle of American foreign policy during the first fifty years does not harmonize with the emphasis elsewhere laid upon the fact that "though seldom mentioned as well defined and carefully planned, a policy of territorial expansion has characterized the American government from its earliest history" (p. 170; see also p. 105, where territorial expansion is called "an absorbing passion"). Nor is the statement that "up to the present this has been uniformly successful, at the expense of little money and less friction" consistent with the accounts of the desire and expectation that Canada would become part of the United States, or with the admitted influence which the desire for Canada had "in the declaration of war in 1812, as shown by the projected invasion."

The third section, which discusses recent and current situations and analyzes the trend of policy is done in the manner of the first. It is very broad in its interpretation of the forces which shaped American policy. In the chapter on "The Far East and the Pacific," for example, not merely American relations with the area are treated; the discussion deals with the whole matter generally. Inevitably the method leads to rather sweeping assertions as to cause and effect, many of which are

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open to challenge. Analysis of trends easily slide over into prophecy. "Monopolies and restrictions so characteristic of national states are bound to yield little by little before the demand for the open door, for a larger freedom of the seas, and for a freer interchange of foods, raw materials, and manufactured products." Again, the author predicts "a rapid amalgamation" of Chinese and Japanese in South America with the native inhabitants. Some of the suggestions look to so far a future that they have little value for current thinking, as for example the statement: "Cuba . . . . which has no racial prejudices such as exist in the United States, might become the leader of a federation of the islands of the West Indies under a common flag. Mexico, when free from domestic insurrection, might become the leading member of the coming federation of Central American states, barring Panama" (p. 245). Such possibilities are conditioned by the "principle" that "the decision of affairs in the Caribbean region lies with the United States."

The value of the book lies in the idea which produced it, even more than in its execution.

HENRY M. WRISTON.

Lawrence College.

The Law and Procedure of International Tribunals. BY JACKSON H. RALSTON. Revised edition. (Stanford University: Stanford University Press. 1926. Pp. xl, 512.)

The first edition of this book appeared in 1910, under the title "International Arbitral Law and Procedure," in a volume of 352 pages based on 400 reported cases. The texts of the American rules of 1906 for the submission of claims and of the first Hague Convention of 1907 were printed in the appendix. Since that time the body of international case law has been greatly enriched. The present edition contains 512 pages, cites about 800 cases, and adds the texts of the statute and rules of the Permanent Court of International Justice in an appendix. It also substitutes the American claims rules of 1924 for those of 1906, and includes a brief history of international arbitration in a foreword. In the latter alone can the reader get much insight into the author's personal opinions. The bulk of the book is in the main an objective statement of the opinions of international courts, without much attempt to reconcile differences or indicate the author's preference. An exception is to be found in the new beginning of the chapter on war which recalls the author's "Democracy's International Law" (1922). He denies the possibility of a "law of war" in the true sense and adds: "The ravages of this disease are not the fit

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subject of paper inhibitions." Men cannot, in cold blood, effectively agree as to what they will do when "insane." Nevertheless the judge of an arbitral court must "render such obeisance as he can to these so-called laws of war" (p. 384).

In the foreword the author points out the advantage of the Permanent Court of International Justice over *ad hoc* arbitral tribunals. Both are bound to apply international law, but arbitrators, because of the manner in which they are selected, are likely subconsciously to favor one party or the other. This seems to go a long way toward recognizing Secretary Root's contention, in instructing the American delegates to the second Hague Conference, that *ad hoc* arbitral tribunals in fact behave diplomatically rather than judicially. Ralston is not afraid that the dominant civil law training of the Permanent Court's personnel will cause it to ignore Anglo-Saxon conceptions of justice. In fact he thinks that the basic conceptions of the two private law systems are much alike, and that the neglect by civil law of the complicated common law rules of evidence is wholly an advantage. International tribunals do not need such close leading strings as common law juries.

The author easily disposes of the frequent contention that international law must be codified before states can safely submit to arbitration, by historical analogy to the development of private law by courts without codes, and by cogent illustration of the impossibility of making a satisfactory code of all international law at present. The place of self-redress, sanctions, intervention, and war, on which opinions differ greatly, must be thought out before a comprehensive code will be possible. There may be treaty legislation on indifferent things, but "the evil of wrongful legislation over important matters is not to be minimized; it is much greater than that which would result from the erroneous decision of a court, which could be corrected later by the court itself or by legislation" (p. xl).

The book, like its predecessor, will be invaluable to all students of international law. It has throughout an atmosphere of reality which is lacking in many of the sections of traditional treatises. The subjects with which it deals are the live subjects of international law, and many of them are scantily handled elsewhere. The book aims to give only the reasons advanced by arbitral courts. It frequently does not give either the facts of the cases or the final decisions upon them. To the reviewer, case law is more a matter of what the courts did than what they said. But it would be unjust to criticize the book for failing to do what was not within its plan. It is decidedly worth while to know how inter-

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national courts have reasoned, and this the volume tells, very often by direct quotation. There is a good index, and ample references to the sources are supplied.

QUINCY WRIGHT.

University of Chicago.

Eight Years With Wilson's Cabinet, 1913–1920. By DAVID F. HOUSTON. (New York: Doubleday, Page and Company. Two volumes. 1926. Pp. 369, 360.)

These volumes comprise one of the most notable contributions to American history made during 1926. The author served for the two full terms in the Wilson cabinet, nearly seven years as Secretary of Agriculture and a little over a year as Secretary of the Treasury. Intellectually, he was an outstanding member of the cabinet. He was a man of the Wilson type, similar in disposition and training, and he had the President's confidence and esteem more fully, perhaps, than any other member of the official family. Mr. Houston came to the cabinet through the suggestion of Colonel House, who had known him in Texas, and the invitation was extended entirely through this personal intermediary of the President. No correspondence on the matter passed between Wilson and Houston.

Mr. Houston had not been in political life before he was called to his cabinet post. He had been, like Wilson, in the educational field. He was born in North Carolina; was graduated from South Carolina College; became a graduate student at Harvard, in finance, history, and political science, and there wrote his "Critical Study of Nullification;" was a professor of political science in the University of Texas; then became president of the Texas Agricultural College, and later of the University of Texas, and was chancellor of Washington University, at St. Louis, when he was called to the cabinet. Although he was widely and favorably known in academic circles, he was not known among politicians. Missouri political leaders were seeking a place in the cabinet, but none of them knew that Houston had been called, and when it was announced on the eve of the inauguration that Missouri was to be represented in the cabinet by Houston, a Missouri politician broke forth in the usual profane inquiry as to who in blank was Houston.

It is from this scholar and experienced administrator, who had been interested during all his mature life in politics and public affairs, that we have this record of the eight years of Wilson's cabinet councils. It is a

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well balanced account, with many interesting estimates and side lights on men and events. Yet it is not without its political prejudices. Houston was a "Cleveland Democrat." He cast his first vote for Cleveland in 1888, and, like old-time Democrats toward Andrew Jackson, has "continued to vote for him ever since." He, therefore, has little use for Bryan, and he shows but little understanding either of Bryan or of the causes that produced him. Mr. Houston charges the "Old Guard" Republicans with being an agency of the "special interests," a tool for "putting profits into the pockets of the rich," which is quite Bryanesque, and millions of Bryan Democrats would say that no president ever helped along more in that direction than did Grover Cleveland.

The anti-Bryan spirit is repeatedly and unnecessarily manifest throughout these pages. No credit goes to Bryan for Wilson's nomination in 1912, although without Bryan's powerful agency Wilson never would have had the making of a cabinet and these memoirs could never have been written. The income tax is claimed as a great achievement, but no credit goes to Bryan, who for more than twenty years had been a sturdy advocate of this tax reform. Houston sees Bryan as "honnest but ignorant," "untrained," and "unpractical." Of the two incidents "which fixed him for me once and for all," one was minor and insignificant, and as for the other (when Bryan, in cabinet meeting, objected to the government's letting the banks have money at two per cent, while refusing it to the farmers), there would be many besides Mr. Bryan who would be too obtuse to accept Mr. Houston's specious apology for the class legislation in favor of banks and bankers. Mr. Houston condemns Bryan's public statement when resigning from the cabinet, but gives none of it. The case of Mr. Garrison, however, when he resigned, is set forth in full.

With a tone of superior wisdom on matters of finance, the author is rather naïve in the use of some of the usual orthodox terms and platitudes about the currency. A "sound" or an "unsound" currency is the same that it used to be—a creditor's currency is "sound"; what the debtors want is "unsound." He gives great praise to the Federal Reserve Act of 1913, which, he says "was passed by a Congress dominated by Democrats two-thirds of whom had been unsound on the currency question and a majority of whom did not know its meaning. He asserts that "the advocates of an unsound currency had prevented any real reform" until the passage of this act. But which side of the long controversy on the money question favored a flexible, elastic system of currency under government control (and not under the control of banking cor-

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porations) such as this act partly provides, he does not in any way indicate. It was certainly not the Wall Street banking experts and their sponsors. The Federal Reserve Act was not out of harmony with Mr. Bryan's long-time contention on the money question, although Mr. Houston seems unwilling to concede the fact.

The author speaks of the Wilson cabinet as "not a particularly able group of men." He characterizes the members with outspoken candor, naming some and criticising others without naming them. McAdoo is "self-reliant, with dash, boldness, and courage," but with no disposition for team work. Lansing is "silent as usual," and he quotes Wilson openly as saying, while casting about for a successor to Bryan in the Department of State, that "Lansing would not do, as he was not a big enough man," and that he "lacked imagination and initiative." Houston describes the President as "always patient, tolerant, considerate, under ill-considered, and confused, irrelevant advice."

The author has reached the conclusion that the average head of a department is not highly competent and has not first-rate executive ability. He sets forth the qualities of a good departmental head—ability to initiate legislative proposals and manage contacts with Congress; to receive visiting delegations; to appear to advantage on speaking errands and at public openings; to frame a good bill; and to be a good counselor in cabinet discussions.

Dr. Houston does not seem very favorably disposed toward party conventions and the art of political management in America. Our political conventions are "common and vulgar," "full of bunk," with their childish demonstrations. In our political activities we are "too partisan, too prone to resort to sharp practices, too addicted to personalities." The "masses like bunk and enjoy being fooled."

The volumes reveal much of the cabinet discussions at times of crises in one of the most important periods in the history of America and of the world. There is much of absorbing interest, at times rising to the dramatic. On the diplomatic break with Germany, the declaration of a state of war, the propaganda by which the war was carried on, the armistice, and the long struggle over the League and the peace—on all these vital matters, and others of less importance, the author brings out much of the inside uncertainties, questionings, differences, and decisions. Here is a writer of ability, experienced in affairs, fair-minded, high-minded, highly intelligent, and able, on questions of foreign relations and on most issues touching his special fields of work, to come to his problems and their history and the history of his times without bias or

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personal animus. We therefore find here a high-grade personal history of the executive side of our government during these momentous years.

The writer tells the story of what he saw and heard, the history of which he was a part, and lets the record speak for itself. In his second volume he sets out the record of the attack on the treaty; he tells the story of the President's western campaign, and of his collapse. He gives a chapter to his own work in the Treasury, one to politics and finance, one to the rising demand for farm relief, one to the attempts to settle the war debts, and one to the last days of the Administration.

In his "Estimate" the author seeks to reveal Wilson partly by his own utterances. He directs attention to what he considers the outstanding quality of Wilson, namely, that he was always controlled by his own conscience and his desire to find the righteous way. He was seeking, not the aggrandizement of self, but the way of justice and the final verdict of history. He fought not for himself but for the things he believed in.

Mr. Houston reviews some of Wilson's defects, or at all events the criticisms brought against him—his "one track mind," his cloistered life, and his lack of experience in business affairs; his weakness in the technique of managing men, and his inability to meet people freely. The author records the judgment that while Wilson "was not an administrator of the first rank, yet as an administrator he was superior to Lincoln."

Hostile critics have said of Wilson that men might work *for* him, but never *with* him for any length of time. He was denounced as unfeeling, ungrateful, and ruthless, using his human tools and then casting them aside. Houston totally rejects such a view: "I both worked for him and with him for eight years with increasing affection, respect, and admiration. My criticism, looking at the whole matter and the entire period broadly, was that he erred rather on the side of patience, loyalty, and generosity." Here is the solid ground for a judgment, the ground of experience and close acquaintance, and there is every reason to believe that this judgment will prove to be the judgment of history.

JAMES A. WOODBURN.

Indiana University.

American Labor and American Democracy. By WILLIAM ENGLISH WALLING. (New York: Harper and Brothers. 1926. Pp. ix, 417.)

The Government and Labor. By ALBERT R. ELLINGWOOD AND WHITNEY COOMBS. (Chicago: A. W. Shaw and Company. 1926. Pp. xv, 639.)

That the labor problem with its many ramifications is now receiving the attention that it has long deserved is attested by the appearance of

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several books relating to labor during the year 1926. The two books under review deal with only two phases of the problem.

Mr. Walling's study constitutes an historical examination of the policy of organized labor, its evolution, and its present status. The author attempts to show that labor's policy from the beginning was founded upon certain basic ideas of Samuel Gompers. The result is a thoroughly consistent and logical development of a policy entirely reconciled in all its phases. Mr. Walling points out, for instance, that labor's ventures into such capitalistic fields as banking and insurance involve no departure from original policy. Rather, the purpose of labor was to strengthen its position in its fight against "the enthronement of capital." "Labor banks were organized as a defense against non-union banks." In this connection the author makes it clear that labor is making no fight against the capitalist or privately owned capital. There is no alliance of labor with the socialist. Rather, labor's purpose is merely to subordinate capital and profits. At present, the author contends, the group that controls investments also controls policy. Thus capital is the only productive factor that is considered in the distribution of the income from industry. What labor desires is such divorcement of ownership of industry from management as will gain for consumers and employees greater consideration. Thence the author proceeds to outline the policy whereby labor is to achieve this purpose.

Organized labor's first efforts, largely defensive, were directed against legal and political attacks. The status of organized labor itself was in question, and labor was preoccupied with the right of collective bargaining, reasonable hours of labor, adequate wages, and proper working conditions. While the demand for substantive legal rights still looms large in the councils of labor, this phase of labor activity has been somewhat eclipsed by its constructive political and economic policy.

The chief concern to-day is for an "effective voice in industry"—that is, union management coöperation similar to that developed by President Willard of the Baltimore and Ohio Railroad (p. 42 ff.). Labor's policy, however, goes much farther than this: it looks to "effective governmental control of our great corporations and trade associations through new social organs differing fundamentally from those of the present government." Thus the Interstate Commerce Commission, the Federal Reserve Board, the Tariff Commission, and "the intermediaries between government and industries" generally would be reorganized and industrialized upon an economic and democratic, instead of a political, basis. In this way these bodies would be made truly representative of all essential

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economic factors of society. Labor tasted the fruits of such control during the war, "when the labor unions were fully consulted in every one of the government's industrial boards."

Finally, labor looks forward to the time when those things which concern all industry may be determined by a national economic body that is truly representative. The author tells us in this connection that the industrial parliament of Germany keenly interested Mr. Gompers. Thus labor, like the states' rights advocate, is interested in decentralization, but this decentralization, labor believes, should be along economic, modern, and industrial, rather than political, traditional, and geographic, lines.

Invasions into the industrial life of the state such as the Esch-Cummins Act and the Kansas Court of Industrial Relations are frowned upon by labor as being ignorant encroachments of the government acting under the spur of organized propaganda. Equally objectionable are the plans for "employee representation," "shop unions," and various other schemes under employers' direction which go under the name of "industrial democracy." All of these schemes, the author believes, have the one purpose of solving the labor problem by putting an end to the trade union movement. All are alike in that they deny to labor an effective voice in the management of industry.

Although Mr. Walling does not speak as a representative of organized labor, he has had intimate association with labor leaders. During the war he was closely associated with the American Federation of Labor and accompanied the American labor delegation to Europe at the personal invitation of President Gompers. For this reason "this book," as John R. Commons says in his introduction to the volume, "is as nearly an authoritative statement of the principles and policies of the American organized labor movement of the past forty years as any statement that could be issued by any person not an active official or working member of an American union." The book is therefore an important contribution to history, politics, and economics.

"The Government and Labor," by Professors Ellingwood and Coombs, is essentially a case-book on labor law, although the cases are supplemented by pertinent administrative decisions, portions of statutes, reports of committees, and extracts from books and periodicals. The contents fall under the following heads: (1) basis of governmental regulation of labor problems, (2) contract of employment between the employer and the individual employee, (3) protection of the laborer against competition, (4) the labor union, (5) the labor conflict, (6) safety

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and health, (7) hours of labor, (8) wages, (9) unemployment, (10) workmen's compensation, (11) social insurance. The material is carefully selected and well organized, but the authors can scarcely be pardoned for neglecting to give references to valuable secondary materials covering the subject.

Editing the book for class-room purposes, the authors proceed upon the assumption that the inductive method of the laboratory can well be applied to courses in labor law. They believe that the student's grasp of the subject is made more certain, his critical sense is better developed, and his capacity for reflective thinking is increased by bringing him face to face with the sources rather than the predigested secondary material such as is found in the average text-book. The truth of this contention will hardly be questioned. Heretofore, however, source materials have been widely scattered and have contained such a large amount of irrelevant material as to make them inaccessible to the undergraduate. We now have this material brought together in a single volume. The selections are almost entirely official in character. Personal opinions of the authors are reduced to a minimum. Even where an introductory paragraph is necessary they frequently allow others to speak for them. Following each section are questions and suggestions that add greatly to the value of the book. These questions disclose the authors' penetrating insight into the law of labor and at the same time give convincing evidence of the broad scope of the subject.

That the subject of labor law is one of growing importance is manifested by its prominence in legislative assemblies and before the courts, both federal and state. This, in turn, is reflected in the larger attention given to it in the newspapers and periodicals and the increase in the number of courses in our colleges and universities dealing with the subject. The work of Professors Ellingwood and Coombs is therefore timely and will be welcomed by those offering courses in labor law.

ALPHEUS T. MASON.

Princeton University.

Human Relations: A College Text-Book in Citizenship. By CARL C. TAYLOR AND B. F. BROWN. (New York: Harper and Brothers, 1926. Pp. viii, 328.)

The editor's introduction to this work states quite truly that the authors "have described with considerable insight the web of human relationships in which we live." The authors' praiseworthy purpose "is to aid the student to orient himself effectively and usefully in the

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complex social life of which he is inevitably a part," and they approach their task "with the conviction that the great mass of students complete their formal college training with a very inadequate understanding of the world of human affairs of which they are expected to become a responsible part; that . . . . they are sadly ignorant of the social or environmental conditions which absolutely determine the conditions of success or failure for themselves and others; and that the progress of the future in a democratic society must depend upon a public knowledge of human relations to which the college-trained man must make a greater contribution than he is now making if the great achievements of science and its by-products are not to bring about a social organization in which humanity shall be subordinated to materialism."

To most of the foregoing few will take exception, least of all in regard to the character of the college-trained product. How well the authors supply the aid which the student needs can best be tested by experiment with the book they have written. In their own classes they may develop what the book does not do alone, viz., insight into the phenomena with which they deal and into the relation between the student and these phenomena. Skilfully used, the book may serve for the stimulation of that understanding and discrimination so greatly to be desired with relation to the phenomena of society. But with the average individual this is only half of the problem. Even a work that is readable and within the range of its terminology substantially accurate, that is temperate and courageous, and that is searching in the questions that it propounds, may prove inadequate to provide the stimulation so essential to apprehension.

The writers seem to fail at a vital and conspicuous point. The book seeks to secure a solution through dealing with external phenomena alone. It gives the student no aid in understanding himself—except as the old process of trusting to prolonged contact with a mass of material, observations, and word symbols may be depended upon to orient him through subsequent experience. The fundamental weakness of this process lies in the fact that the college course is too short a period in which to accomplish the desired end by such technique, and texts in the social sciences will certainly fail to realize in an overwhelming proportion of students brought under instruction the purpose indicated by the authors. As of yore, this book relies upon exhortation to supplement description of facts. The student is advised that a good citizen must be law-abiding because the government is his government and the laws are his laws. Law is still conceived of as the legal expression

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of the will of the majority and democracy as the rule of the majority. Between these assertions and the facts of his own experience and his observations of the political phenomena around him there is a great gap. Dimly, but none the less forcefully, he realizes that in his own college community and in his home locality, government is largely the creation of the few and that the function of the vast majority is limited to a process of unconscious integration or formal assent.

The problem raised by this text-book in citizenship is not essentially different from that presented in preceding works attempting to deal with the subject. Citizenship is still conceived of largely in terms of legal and formal relationships; for the teacher to combine effectively such a conception with the phenomena of political and social life is beyond reasonable expectation. Citizenship is an achievement of the human spirit. In order that it be developed, we must equip the student with technique adequate for the understanding and appraisal of himself, and of the validity of his selective faculties in reaction to his environment. Such a process generates insight and judgment and fulfills the purpose of the writers of this work. The facts which they present and with which the student deals come to possess significance not only in relation to each other and in a formal descriptive sense, but in relation to the student himself. Without such technique, the student will function in relation to this book largely as he has been wont to do in relation to other batches of assignments; namely, he will recite in customary, lack-lustre fashion with his interest centered skilfully upon the task of finding out what the instructor wants.

"Human Relations" is significant as indicating the sustained interest in the problem with which it deals. It marks another step forward in the effort to resource those charged with the responsibility of citizen training. The interweaving of domestic, educational, business, political, and international relations is a hopeful sign, and in this case it has been skilfully done. One essential factor, the individual, has been omitted. He gets no clue to the genetic, causal impacts of social environment upon the mechanisms of his own personality.

RUSSELL M. STORY.

Pomona College.

Four American Party Leaders. BY CHARLES E. MERRIAM. (New York: The Macmillan Company. 1926. Pp. xvi, 104.)

In this little volume, appearing as the fourth in the "Political Parties and Practical Politics Series" edited by its author, are printed the Henry

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Ward Beecher Foundation lectures delivered at Amherst College. Employing the working list of common attributes of political leaders adopted in his "American Party System," Professor Merriam measures against these Lincoln, Roosevelt, Wilson, and Bryan. These four sketches are interestingly, and altogether sympathetically, done in an easy, lively style. The ordinary reader, however, would hardly find in them any traces of unusual intent or purpose.

But in the introduction the author sets forth a problem, already suggested by him in connection with the study of Senator Platt by one of his students (Gosnell, "Boss Platt and His New York Machine") from the contemplation of which the archangel will probably trumpet the final generation of political scientists. "We want to know what sort of an environment makes a Lincoln or a Roosevelt and also what the special qualifications of these types are . . . . . We should in fact make every effort . . . . to solve the secret of personality still in the main a riddle defying science." No scientifically psychological probing and analysis are furnished to take the personalities of the subjects of the four lectures out of this category. "Human nature" may be "no more of a defense against modern science than 'divine right' in the earlier period of human development" (Introduction, p. viii), but the following tribute to Lincoln serves as no catalytic agent: "He created a type for democracy, a symbol, a figure, an incarnation of the spirit and sentiment of human fellowship and democracy that far transcends specific achievement, however splendid and imposing." Nature's defenses, if not human nature's, are left intact before the statement that "nature had found some short cut to preparedness" in the mental make-up of Lincoln, for out of unreadiness he repeatedly sprang straight to high achievement. Professor Merriam correctly calls the lectures an "outline of a study" and modestly expresses his purpose to quicken some interest in the problem of leadership. This purpose he abundantly achieves.

So the game is no longer "Follow your leader," but the more complex, "Why is your leader?" Still another variation might well be introduced, "Who is your leader?" It is fairly easy to agree upon Lincoln, Roosevelt, Wilson, and Bryan, but what shall we say of a chief magistrate, chosen by an overwhelming popular majority, who has never been defeated as a candidate for elective office, and who bids fair to exceed the term of any predecessor? Would Professor Merriam apply to such an one his tests of facility in dramatic expression, facility in personal contacts, courage, inventiveness, and so on? Of course, these qualities of leadership are not exclusive. Robert Michels suggests others, and John Adams still more:

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"Whenever I use the word aristocrat, I mean a citizen who can command or govern two votes or more in society, whether by his virtue, his talents, his learning, his loquacity, his taciturnity, his frankness, his reserve, his face, his figure, eloquence, grace, air, attitude, movement, wealth, birth, art, address, intrigue, good-fellowship, drunkenness, debauchery, fraud, perjury, violence, treachery, pyrrhonism, deism, or atheism." ("Works," C. F. Adams, VI, 457).

Leaders are desirable for different purposes, e.g., partisan, executive, legislative. Not one, but many, sets of tests will be needed. Chance loomed so large in the careers of three of the leaders here treated that one hardly seems warranted in concluding that the characteristics they possessed or later demonstrated are necessarily essentially related to leadership. Had the conservative eastern Republicans not been so much afraid of Seward's abolition radicalism, how great a leader would Lincoln have become? Had the war with Spain not furnished a springboard, or even had not McKinley died in office, would Roosevelt have been one of Professor Merriam's subjects? Had the New Jersey Democratic bosses not needed a respectable figurehead at the top of the ticket, had the World War not brought prosperity to American agriculture and industry before 1916 . . . .? And if leaders do not always lead, is it not probable that some who lead are not leaders? The reviewer is not likely the only one who attributes a large measure of the essentials of political leadership to the author, but . . . . but . . . . .

And then there are presumably good leaders and bad leaders. We shall need a political litmus paper. Is Mussolini good for Italy? What shall we do with our knowledge of the essential attributes of leadership when we have found them? Shall we forbid those to lead who are not qualified? Professor Merriam agrees that we cannot hope to manufacture our leaders at will, but feels that we may more intelligently train potential leaders, that is, improve on our Wilsons and Bryans, and may promote "progressively intelligent popular discrimination" in the selection of leaders. Here is a challenging problem indeed. Guildenstern's technique roused Hamlet's scorn and contempt. Is there a better? "Why look you, how unworthy a thing you make of me. You would play upon me; you would seem to know my stops; you would pluck out the heart of my mystery; you would sound me from my lowest note to the top of my compass; and there is much music, excellent voice, in this little organ, yet cannot you make it speak? 'Sblood! do you think I am easier to be played on than a pipe?"

RALPH S. BOOTS.

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Party Campaign Funds. By James K. Pollock, Jr. (New York: Alfred A. Knopf. 1926. Pp. xii, 296.)

The Chicago Primary of 1926. By Carroll Hill Wooddy. (Chicago: University of Chicago Press. 1926. Pp. vii, 299.)

Before the advent of universal suffrage, property controlled the vote directly through franchise qualifications. Now its influence must be indirect—e. g., through control of the press and contribution to campaign funds. Upton Sinclair wrote an attack ("The Brass Check") upon the former; Dr. Pollock has recently produced a scientific study of the latter. This study is a ray of the pure light of scientific research shooting through the murky mists of hearsay and "slush-fund" charges. Almost simultaneously, there has appeared Dr. Wooddy's microscopic analysis of a recent Chicago primary, revealing the fascinating, although sordid, intricacies of a Republican factional scramble for the control of patronage. The two books are supplementary in that the second portrays, in a recent drama of city politics, one of the chief and most questionable reasons for men's willingness to contribute to political funds.

Dr. Pollock has supplanted the former fragmentary and inexact literature upon this increasingly vital subject with a pioneering treatise which is both statistically accurate and doubtful. As to scope, only party finance is treated, and that only in election activity. In limiting his subject, the author omits consideration of funds used by individual candidates, and those employed in primaries, except as they have been inextricably bound up with party finance. National, state, and local funds—all are considered. His chapters deal with the history and present condition of federal and state legislation, the size of the funds, their sources, methods of accumulation and expenditure, and a few concise conclusions.

Material was unearthed (literally) in the public files of party expenditures, and in the hearings of the Clapp and Kenyon committees. Party and public officials gave information, usually without reluctance. In a measure, it is unfortunate that the author did not have the advantage of the additional revelations made by the Reed committee within the past few months. However, these would probably not have altered his conclusions materially. The most damaging disclosures were those of the Illinois and Pennsylvania Republican primaries. As Dr. Pollock emphasizes, the Supreme Court decision in the Newberry case (1921) nullified the federal publicity law, but not for any limitation of expenditure. This episode simply reënforces the

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author's opinion that we need both federal and state legislation covering primary funds.

The author evinces no marked bias, except, of course, the very commendable desire for political honesty. Toward this end, certain suggestions are offered at the conclusion of the volume. Publicity seems to be of prime concern. Our present legislation, both federal and state, is quite ineffective. In most cases it is not sufficiently exacting and comprehensive; in others, it has no "teeth," and in still others the "teeth" have never been known to bite any offender. One of the volume's finest contributions is a comparative analytical table of all state laws relating to party funds (Appendix A).

The mere size of funds does not alarm the author so much as do their sources and uses. In over half the states, expenditure is limited to legitimate purposes. But sources are less guarded, especially in primaries. That accounts for the legality of Frank L. Smith's acceptance of funds from Illinois traction magnates in the 1926 primary. The author lauds the recent attempts of both major parties to solicit their funds in smaller amounts and from a large number of contributors, because the practice tends to eliminate the buying of privilege and to stimulate widespread political interest. Where a man's treasure is, there will his vote be also.

The proposal that the government should assume, either in whole or in part, the cost of all elections is rejected after a consideration of its merits and defects. The author's somewhat disappointing conclusion is that the present system of raising funds is, after all, about the best in view.

Dr. Wooddy's volume, aside from its own vital theme, breathes personality and local color into one small phase of Dr. Pollock's factual picture. In it, statistics become flesh and blood and dwell among us in the persons of Senator Deneen, "Big Bill" Thompson, and Judge Crowe. We see a great city in the throes of a factional fight for a primary victory and its attendant "spoils," which are to be divided between the leaders according to a secret treaty. The McKinley-Smith duel is enacted, even to the bitter end of the sensational disclosures by the Reed committee. The author gathered his material on the battle-field, largely through personal observation, newspaper reports, and conversations with the participants, even down to the almost impotent sovereign, the voter. These sources account, in a large measure, for the book's distinct flavor of vivid reality.

As a background, Dr. Wooddy relates the stormy history of the three or four separate factions of the Republican party in Cook county—a

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feudal war for the rich stakes of patronage and contracts worth "cold" millions. We see the slate-making in progress and, under these standards, the battle joined. The author narrates, discusses, and estimates the effects of the skirmish over each major issue—World Court, bipartisanship, crime in politics, beer and wine, and aid from the Small-Lundin forces. He analyzes the struggle under certain headings, and suggests improvements in the rules of war as carried on in Cook county. The whole field is very concisely summarized in the concluding chapter.

The study attempts diagnosis, not cure. But the direct primary is still so new, its present enemies are so vociferous, and its faults so obvious, after a study of this kind, that champions and reformers may be indulged the voicing of their views in what are otherwise fairly impartial studies. Dr. Wooddy's general defense of the primary is that it offers the citizen, whether or not he wants it, a very effective check upon the activities of the bosses, who were practically uncontrollable under the convention régime. As remedies for patent faults, he urges a new and more effective primary law for the state, one framed by friends, not enemies; also, a shorter ballot, a rotation of factional candidates upon the ballot, closed and centrally-controlled registration, laws governing the use of campaign funds, and the adoption, by the "good" citizens, of methods as efficient and persistent as those of the "machine." With these changes, it would be improbable, perhaps impossible, that Chicago should again witness a primary in which half of the voters, either instructed or bewildered, should mark ballots which might or might not be counted correctly, to endorse a certain boss's henchmen as their favorites in a struggle for the lucrative spoils of office.

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State Government in the United States. BY ARTHUR N. HOLCOMBE. Second edition, revised and enlarged with the collaboration of Roger H. Wells. (New York: The Macmillan Company. 1926. Pp. xx, 629.)

The forty-eight states of the American Union offer an opportunity for the study of the science of politics beyond any other at the present time. Each state is considerably different from all of the others in social complexion, size, climate, economic resources, and condition of their archives and other source materials. Not one of the governments has been revolutionized by force within the past fifty years. The social

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processes offered for observation and study are the normal ones of peace, such as the formation and expression of public opinion, social imitation, the effect of the gradual change of economic conditions and of racial and social composition of population on political institutions. None of the phenomena of change by force exist, such as, at the time, occupied all too much of the attention of Machiavelli and even of Aristotle. The efforts of forty-eight different commonwealths to solve the ancient problems of liberty and order necessarily must afford a wealth of experience of the greatest significance to the scientific student of politics. That a greater number of careful studies of phases of state and local government have not been made may indicate that too often the political scientist is primarily interested in saving his country immediately and only secondarily in politics as a science.

When Professor Holcombe's book appeared ten years ago, it was the first study that had been made of the general problems of state government. It did not purport to be a comprehensive treatise. The attempt would have been futile, for the scientific data extant at that time was even less than now. For instance, those institutions which do most of the work of governing for the state—the county, the municipality, and the township—were hardly mentioned in it. In the main, selected problems relating to the great departments of the central government and their popular control were covered. The book was rather a study of some of the leading phases of government common to all the states. By thus restricting his field, the author was enabled to master the pertinent material, even then enormous enough, and to give his readers a set of well-balanced conclusions.

The author attacked the subject from several different viewpoints: the institutional background of the state governments, the theory underlying the state governments of the past and the present, a descriptive and critical analysis of the main organs of government, including the electorate, and a critique and prognostication of change. Professor Holcombe and his collaborator, Professor Wells, have for the greater part preserved the original outline of the book. While chiefly textual changes have been made in the historical and theoretical sections, considerable portions of the chapters on the working of the state governments have been entirely rewritten. The statistical tables have been carefully brought up to date. Such significant products of the past decade as administrative reorganization, budgetary reform, public highway administration, and the growth of non-voting have been given

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due consideration. Altogether, more than a hundred pages of text have been added. The chapter on judicial review as it affects the states remains about as originally written and is still one of the most enlightening accounts of that subject. The section on the reform of state government, as would be inevitable, has been to a large extent rewritten; and the proposals of the National Municipal League as put forward in its model state constitution are appraised.

The author has been scrupulous to give the two sides of controversial questions and slow to overstate, a virtue most difficult to attain in a treatise where at times generalizations covering forty-eight different objects must be made. However, few will be willing to accept the dogma, whose Hellenic parentage one suspects, that the electoral franchise "is a public office" (p. 164); or that the establishment of the direct primary system "has been followed by notable improvement in all conditions with respect to which the delegate convention system had become objectionable" (p. 202). The citation of Ohio's party column ballot as having acted somewhat as a deterrent to the voter to vote a "split" ticket was not a very happy one in view of that state's penchant for Democratic governors and Republican administrative heads and presidential electors (p. 219).

Such products of the antebellum age of optimism as the initiative, the referendum, the recall, and the direct primary, the author still handles circumspectly and yet judiciously. He finds a tendency since the World War further to restrict the popular organs of government and to broaden the powers of the judicial and administrative branches; also that public opinion is bewildered by the variety of reforms that have been advanced. Further than this into the current of democratic pessimism he refuses to go.

The rearrangement of certain portions of the subject-matter, the insertion of paragraph headings, and the inclusion in an appendix of a few well-selected documents such as Jefferson's "Draft of a Constitution for the Commonwealth of Virginia" have added greatly to the usefulness and appearance of the book. The advanced college student and the layman with a mature interest in government have been provided through this revision with an accurate, unbiased, and interesting introduction to the subject of state government.

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Practice of Municipal Administration. By Lent D. Upson. (New York: The Century Company. 1926. Pp. xi, 588.)

Municipal Finance. By A. E. Buck, and others. (New York: The Macmillan Company. 1926. Pp. xii, 562.)

No longer can it be said that there is insufficient published material for the study of municipal government in the United States. What with new case-books in municipal corporations, several excellent volumes of readings and documents, and a pioneering volume of problems in municipal government, and an ever increasing output of special studies and articles on municipal problems constantly appearing in print, we are faced with a surfeit and a problem of selection rather than with a lack of materials.

The two very satisfying volumes here reviewed are the latest attempts to summarize, and thus to advance, knowledge in the overlapping fields of municipal administration generally and municipal finance in particular. The authors are identified primarily with the research bureau movement rather than with the field of university teaching, and their works are impressive evidence of the great services being rendered by this movement to the advancing art of public administration.

Dr. Upson's volume is divided into thirty-one short chapters. Of these only the first deals with administrative organization in general. The following eleven discuss briefly such "overhead functions" as elections, civil service, finance (under six sub-heads), motor transportation for city departments, law, and city planning. The remaining nineteen chapters take up the functions which are of direct service to the city's residents, namely: safety work, fire, health, and police departments, education, recreation, charities, traffic, courts, correctional activities, the various branches of public works, and public utilities. The author has not attempted to give any economic or sociological interpretations of his data, nor even to show historical developments except in the briefest possible compass. He may refer to Roman efforts at fire protection and the plagues of the Middle Ages, but it is only in passing, and he quickly gets down to the present-day administrative problems of the larger American cities.

His stress, also, is not upon organization primarily, but upon processes and methods. In the chapter on traffic, for example, after stating the problem briefly, he plunges at once into proposed methods of solution such as deconcentration, zoning, by-pass highways, and crosstown routes, and in short, compact paragraphs takes up such special problems as offset streets, curves, steep grades, parking, and acceleration.

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Of necessity, where so much ground is covered by a single volume, condensation has been carried to the limit, with some sacrifice of readability. Little space and few words could be spared to analyze the actual experiences of cities, although New York and Detroit receive frequent mention. Neither was there room to state all the pros and cons of various proposals, or the qualifications which hedge about most general propositions. In general, the author has been forced to state each problem as crisply as possible and then to give the general principles involved and the best practice yet worked out for attempting a solution. Perhaps it was lack of space which also prevented the author from using more figures, diagrams, and illustrations. Considering the difficulties involved, the work has been very well done, and deserves the attention of administrators as well as teachers in the field.

Of the other volume Mr. Buck is not merely the editor, but also the principal author, for he appears to have written about two-fifths or more of the contents. Other contributors are Messrs. William Watson, Edward M. Martin, Philip H. Cornick, and Luther Gulick, all of the staff of the New York Bureau of Municipal Research. The subjects discussed in the fifteen chapters are organization for financial administration, budget making, budgetary and auditing control, accounting, reporting, cost accounting, graphic statistics, employment and pensions, purchasing, treasury management, assessment of property, special assessments, miscellaneous revenue, debt administration, and the financing of municipally owned utilities. To the writer of this review, who claims no expertness, the outstanding chapters of the book are those by Mr. Cornick on the assessment of property and special assessments, and those by Messrs. Buck and Watson on budgetary control, accounting and reporting, and cost accounting.

The editor of the volume disarms criticism by saying in his preface that the book "is not to be regarded as an exhaustive treatment of municipal finance." The title is, in fact, rather too broad, for on examination the contents appear to deal almost exclusively with the financial problems of large American cities. Furthermore, spatial limits have prevented the printing of much of the experience which supports the authors' conclusions—experience which is so amply reported in the surveys and studies of the bureau. The same difficulty, no doubt, led to the omission of the problems of the shifting and incidence of urban taxation, the separation of state and local revenues, proposals for urban taxation reform, and a number of other important questions of policy. The volume is, then, really an administrative study, and the title might more

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accurately have been "The principles and best methods of financial administration for the larger American cities." So described, the volume is not only the first in its field, but it is also likely to stand for a long time unchallenged as the best thing of its kind.

WILLIAM ANDERSON.

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Handbuch Der Politik: Urkunden Zur Politik Unserer Zeit. Volume VI. EDITED BY ALBRECHT MENDELSOHN BARTHOLDI. (Berlin-Grunewald: Dr. Walter Rothschild. 1926. Pp. 524.)

Albrecht Mendelsohn Bartholdi, the well known constitutional lawyer and editor of the archives of the German Foreign Office, presents in this sixth and last volume of the "Handbuch Der Politik" a most useful collection of documentary material on constitutional questions and problems of international law and relations during the period from the French Revolution to the Locarno treaties. The work is divided into six major parts, which cover the following periods: (1) from the French Revolution to the Congress of Vienna; (2) from the Holy Alliance to the North German Federation; (3) from the founding of the German Empire to the death of William I; (4) the last twenty-five years before the war; (5) the World War; (6) recent years. In each of these groups some pages are devoted to extracts from political writers, mostly of a theoretical nature, such as Rousseau, Kant, Ranke, Treitschke, Dostoiewski, Bismarck, etc. As the text is largely intended for German readers, these extracts are, particularly in the first sections, primarily taken from German writers. It is interesting to note, however, that the part dealing with events in recent years includes extracts from Bismarck, Wilson, Bryce, Lenin, and Smuts. Wilson's contribution is taken from "The State."

Corresponding to these groups of extracts from political writers, there is a group of selected documents under the divisions above mentioned. Here we find the Declaration of Human Rights of August 26, 1789, along with the resignation of the last "Holy Roman Emperor," Francis II; we may compare the *ukas* abolishing serfdom in Russia with the proclamations of Lincoln of September 22, 1862, and January 1, 1863; we may scrutinize the declaration of infallibility by the Pope, as well as some documents from the *Kultur-Kampf.* Of the documents dealing with recent developments, perhaps the peace resolution of the German Reichstag of July 19, 1917, will interest the American student of politics as much as the programs of the various German parties. This

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last part of the volume, dealing with the latest events, is most extensive; in fact it takes about as much space as the other four parts together. It includes, for example, the opening speech of Secretary Hughes before the Washington disarmament conference as well as the Irish declaration of "independence." Certain documents dealing with parliamentary elections in England, France, and Germany are reprinted.

On the whole, the documentary material is given about eight times as much space as is devoted to the material on political philosophy. Moreover, each document is preceded by a short introductory paragraph setting forth the particular circumstances and giving some bibliographical references. That these cannot, from the nature of the enterprise, be more than suggestions, goes without saying. In this connection it ought to be pointed out that the very fact that this material has been compiled for the use of the German student, and treats more extensively of political matters on the European continent, increases its value for the American student in certain respects. We may be pardoned for wishing, however, that the editors had found it possible to give the original text beside the German translation of it.

Of course it is not the purpose of this undertaking to enlighten the specialist, but rather to facilitate a general survey of the periods covered. This purpose has been achieved to a remarkable degree. It seems decidedly worth while to compile the most important, although well-known, material into an easily accessible volume, as has been done here. A good index adds to the usefulness of the book.

CARL J. FRIEDRICH.

New York City.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

Government Owned Corporations, by Harold Van Dorn (Knopf, pp. 307), is principally a detailed narrative of the work accomplished by the corporations established in the past ten years, and particularly during the period of the World War, by the United States government. The emergency fleet corporation, the United States grain corporation, and the war finance corporation are examples. The author is convinced of the value of the government-owned corporation as an administrative device for the management of public enterprises of a commercial character. He points out that the new form was adopted to provide a governmental agency possessing independence, administrative freedom, and flexibility. He declares that the corporation has marked advantages over

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other forms of public administration in that it works with capital that is fluid, has power to borrow, is not subject to the usual system of government audits and accounts, has a free power to contract, and chooses its personnel apart from civil service regulations. The student of public administration will be disappointed to find that so close a study was made of the mechanical activities of these war-time bodies without a more elaborate analysis of their possibilities as administrative agencies. European governments have found corporations useful not only to improve the quality of public administration, but also to promote co-operation by public authorities in joint public works, and to enable the combination of public authorities and private persons in undertakings mutually helpful. *A State Trading Adventure*, by Frank H. Coller, sometime secretary to the ministry of food (Oxford, pp. 351), is an account of the steps taken by the British government, through the ministry of food, to insure an adequate food supply to the nation during the period of the World War. Here are narrated the experiences of the ministry in encouraging home production, controlling distribution, regulating consumption, and purchasing abroad. The author feels that the state can engage successfully in commercial enterprises when there is a situation of emergency calling forth a patriotic spirit, but perhaps not otherwise. His objection to state enterprise is that it is very much subject to political interference. He also fears the danger of resort to subsidies, and of disregard of quality in production, when there is governmental control. The book does not pretend to relate the experiences of the ministry of food to problems of public administration in general.

Problems and Exercises in American Government: National, State, Municipal, and Local, by W. E. Binkley (Ohio Northern University, Ada, Ohio, pp. 95), contains between fifteen hundred and two thousand questions and topics for study based upon such standard text-books as those written by Beard, Kimball, Munro, Ogg and Ray, and J. T. Young. The questions are not of the usual type which merely attempt to determine whether the student has read the assigned pages and learned a few facts. They aim rather to stimulate mental activity on the part of the student, to test his powers of analysis and judgment, and to serve as the basis of class-room discussion. The following questions are more or less typical: "If police, acting under the city ordinance, stop a speaker, can he properly seek redress under the first amendment to the Federal Constitution?" "Should the head of an executive department be an

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expert in his field, that is, should the Postmaster General be one who has risen from the ranks in that department and should the Secretary of War be a West Pointer? What are the main qualifications of a good department head?" "President Roosevelt held that it was the president's duty 'to do anything that the needs of the nation demand, unless such action is forbidden by the constitution or by the laws." President Taft maintained, 'the true view of the executive functions is . . . . that the president can exercise no power which cannot be reasonably and fairly traced to some specific grant of power or justly implied or included within such express grant as necessary and proper to its exercise.' Can you harmonize these two statements? Which statement do you prefer? Why? See if the Constitution will help you in answering this question." "Can you devise a method of investigation by which one might test whether the two houses of the state legislature actually operate to check hasty legislation as claimed?" "Show how the budget plan gives public opinion a better opportunity." Somewhat different in nature are the multigraphed pamphlets by Russell H. Ewing, of Oregon State College, entitled *A Syllabus in American National Government* (pp. 67), and *A Syllabus in American State Government* (pp. 58), both of which are issued by the Students' Book Shop, Corvallis, Oregon. These are chiefly outlines of C. A. Beard's "American Government and Politics" and J. M. Mathews' "American State Government," with suggested collateral reading and a few questions at the end of each chapter.

Clarence N. Callender, professor of business law in the Wharton School of the University of Pennsylvania, has given the teacher of American national and state government a treatise for which there had been a most pressing need. *American Courts: their Organization and Procedure* (McGraw-Hill Book Co., pp. xviii, 284) describes in a simple, nontechnical manner the organization of our federal and state courts and explains the procedure used in handling the various types of cases that come before them. A wide range of topics is covered, including the relation of attorney and client, the state court systems, the federal court system, the justice of the peace, pleadings and forms of action, preliminaries of a trial, trial of civil cases, new trials and appeals, judgments and executions, courts of equity, probate courts, criminal courts, commercial arbitration, and the problem of improving legal procedure. An appendix of forty pages contains a summary of the jurisdiction of the various courts in the forty-eight states, prepared by members of the bar in the respective states. The author makes a strong case for the unification of

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the state courts along the lines proposed by the American Judicature Society and the American Bar Association, but recognizes that this is perhaps "more than may reasonably be expected, considering the constitutional difficulties and the many interests which would be disturbed." He believes that the establishment of a judicial council is more possible of realization, and that it will be "one of the principal agencies for legal reform in the future." Criminal procedure, in his opinion, should be reformed by improving the position of the magistrate, substituting indictment by information for action by the grand jury, limiting the right of appeal by enlarging the discretion of the trial judge, and, if possible, modifying the constitutional right of the accused to refuse to testify.

American Democracy Today, by Professor William Starr Myers, of Princeton University (Princeton University Press, 1924, pp. 162), contains nine essays on such topics as "certain contemporary dangers," "The Constitution and the people," "presidential leadership," "the position of the Senate." "the House of Representatives," "the importance of the judiciary," "state government—good and bad," "parties and partizanship," "the organization of the American government," and the "conduct of war," in addition to the essay which gives the book its title. Although Professor Myers believes that the conception of the presidency held by Roosevelt and Wilson is the correct one and praises certain of Wilson's achievements, he criticizes his policy with severity in other respects. For example, he believes that Secretaries Baker and Daniels should have been dismissed from the cabinet because they "did not have the confidence of the country," and that following his defeat in the congressional election of 1918 President Wilson "proceeded to disregard the direct vote of 'lack of confidence' and went ahead . . . . irrespective of the wishes of the American people." The author advocates the restriction of immigration, an educational test for voters, the short ballot, unlimited debate in the Senate, and is opposed to federal centralization and to state legislation regulating the teaching of history, evolution, etc. The book is written in a vigorous and interesting style, and the publishers are to be commended for its typography.

The Philippines: A Treasure and a Problem, by Nicholas Roosevelt (J. H. Sears, pp. xii, 315), is a well-written account of the Philippine situation by one of the editors of the *New York Times*. The book is dedicated to General Wood, "America's statesman and Philippine patriot," and one cannot expect, therefore, to find any serious criticism

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of the present régime. The author does realize, however, that the present system of government in the Philippines inevitably means a government of obstruction because of the mutual independence of the executive and the legislature. The quarrel which this independence has engendered has degenerated into a racial struggle between the Americans and the Filipinos. Pending the fundamental revision of the present system, Mr. Roosevelt suggests a number of minor amendments to the Jones Act. He believes that American technical advisers, who should be civilians and not military men, should assist the governor-general upon questions of law, finance, and business. He believes also that the present system, which subjects cabinet members to confirmation by the legislature, should be changed. The solution which he has ultimately in view is the system which the British have installed in India, commonly called dyarchy. But apparently he does not realize the great difficulties that have arisen under the dyarchy system, which has by no means been a success. Nor in his discussion of the economic situation does he realize the political consequences which inevitably follow the investment of foreign capital in a backward country, the population of which wishes to become free. The fundamental inconsistency of all of this school of writers is that while they savagely criticize the incompetence and the unrepresentativeness of the Filipino politician, they end up by a statement that the present system of government is unworkable. They go on to admit that the curtailment of present Filipino liberties is impossible; consequently, there is almost unanimous opinion that some steps forward must be taken.

Our Far Eastern Assignment, by Felix Morley (Doubleday, Page and Co., pp. xiv, 185), is a readable account of political and international problems in China, Japan, and the Philippines as seen by a newspaper correspondent who has spent much time in those parts. There is an introduction by Mr. Henry Morgenthau. Of special importance are the chapters dealing with the present chaos in China and with our own colonial problems in the Philippines. Mr. Morley gives an interesting account of the Supreme National Council organized by the Filipinos, which has established a national advisory committee at Manila and set up in each of the provinces a national solidarity provincial committee. The national advisory committee has in turn created fifteen commissions on such matters as defense, public works, finance, public instruction, economic strategy, etc. It is the function of this organization "to work up independence sentiment, and to further economic measures looking to

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that end throughout the length and breadth of the Philippine Islands." Also the Supreme Council aims to take over, by quiet encroachment if possible, at least a part of the executive power of the American governor-general." The author favors a parliamentary form of government for the islands.

An Introduction to American Politics, by Penfield Roberts (Harcourt, Brace and Company, pp. viii, 225), of the Massachusetts Institute of Technology, is a brief survey of American government and current political questions. The book is divided into three sections. Part I deals with the actual government of the United States. Part II discusses current problems and proposed solutions, under such headings as the nature of American public opinion, conservatives and radicals, economic radicalism, prohibition, civil service reform, restriction of immigration, and the United States as a world power. Part III explains the various interpretations of politics—historical, economic, and psychological. The general tone of the book is critical, and the purpose of the author seems to be to throw out questions and provoke discussion rather than to present facts or to set forth definite conclusions.

Federal and State School Administration, by William A. Cook (Crowell, pp. xvi, 373), traces the growth of education as a public function in the United States, outlines the control of education by the federal government, and describes the machinery employed by the states for the supervision of local education. Other topics covered include proposals for further federal participation; types of state control such as the certification of teachers, regulation of attendance, and uniform text-books and courses of study; and state financial support. The author is somewhat critical of the administration of the Smith-Hughes Act, under which federal subsidies are given for vocational education, although he seems to favor federal aid in general. He also doubts if a secretary of education in the president's cabinet "would raise the standard and prestige of education in general; there does seem reason to conclude that he would lower the plane set by the average commissioner of education." The book contains much information which should be useful to teachers of national and state administration.

In *Jefferson and the Embargo* (Duke University Press, pp. ix, 340) Professor Louis Martin Sears points out that Jefferson, in putting to the test "perhaps the most perfect substitute for war up to that time devised," was pursuing a course he had often advocated as embodying

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his entire philosophy of life. The author argues that the embargo evoked more generous support than is customarily believed; that it fostered a remarkable prosperity in certain localities; and that it revealed Jefferson as an administrator of a high order.

Our Presidents, by James Morgan (Macmillan, pp. 326), contains brief biographies of the chief magistrates from Washington to Coolidge. Most of the sketches are well-executed, bringing out the personal characteristics of each subject, and explaining the historical significance of each administration.

Professor John Spencer Bassett is the author of a new volume in the American Epochs Series edited by Albert Bushnell Hart and published by Longmans, Green and Company. The book is entitled *Expansion and Reform* (pp. xix, 355) and covers the period from 1889 to 1926. Special attention is given to political developments. Woodrow Wilson's classic *Division and Reunion* has been republished just as it left the author's pen in 1892, and Professor Hart, the editor, has revised his own volume on *The Foundation of the Union*. With these modifications and the appearance of a new edition of *The Colonies*, which is promised by the publishers, it is perhaps safe to predict that the series will serve a most useful purpose for another forty years.

Making America Safe for Democracy, by B. V. Hubbard (Chicago Legal News Company, pp. 204), is a little book by a gentleman of the old school who has not become reconciled to "the new normalcy." In the main it is an argument for letting the people of the nation vote on constitutional amendments, as do the people of the states, winding up with an assault on prohibition and the Volstead law.

In *The Vanishing Rights of the States*, by James M. Beck (Doran, pp. 126), the author discusses the question whether the Senate can nullify "the action of a sovereign state" by refusing to seat a senator whose credentials declare him to have been duly elected. Ultimately the discussion broadens into a consideration of the further question of how to prevent the continued erosion of state constitutional privileges. The book is written in Mr. Beck's incisive legal style.

A new edition of Professor William Macdonald's *Documentary Source Book of American History* has been issued by the Macmillan Company (pp. 713). In the course of revision and enlargement seventeen new documents have been included, thus bringing a useful compilation down

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to date. The book now begins with the first Virginia charter of 1606 and ends with the Senate reservations on the World Court in 1926.

Two recent volumes in the "Reference Shelf" series, published by the H. W. Wilson Company, are *The Direct Primary*, by Lamar T. Beman (pp. 194), and *Special Legislation for Women* (pp. 142), edited by Julia E. Johnson.

INTERNATIONAL LAW AND RELATIONS

German Colonization, Past and Future, by Heinrich Schnee (Knopf, pp. 179), as suggested by the sub-title, "The Truth about the German Colonies," contains a plea by one who believes he has a strong case. Be that as it may, the facts, as well as the opinions, contained in this book are well worth careful examination by the American student of world politics. There can be little doubt that the author, as president of the German Association for Colonies, expresses opinions held widely throughout Germany. Also, as the introduction by Mr. Harbutt Dawson asserts, the author, having been governor of (former) German East Africa, at the end of a long and successful career as colonial administrator, "deserves both credence and a respectful hearing." The most significant contribution of the book is to show the vices of *all* colonial administration at the present time. Parker T. Moon is right in pointing out that Schnee presents an elaborate *tu quoque* argument ("Imperialism and World Politics," p. 118). The reader may willingly concede that German colonization was no worse than the colonization of other powers, as Schnee is so anxious to have us believe. But in view of recent developments some of us will be unwilling to grant a plea for Germany's renewed participation in "the colonizing mission of the white races" to which the author so frequently refers, when that plea is based upon so formidable an indictment of that very 'colonizing mission' in its practical workings. The reader will also sympathize with the great injustice done to individual German pioneers and settlers in subjecting them to the expropriation clauses of the treaty of Versailles. But would this sympathy compel us to agree with the author when he writes that because Germany was able to develop and administer colonies before the war, she can do it as well now? Space does not allow us to scrutinize this inconclusive argument. But let us ask: Does Germany control the same economic surplus which she did before the war? In all, the author, while contributing most valuable data toward the criticism of present-day colonial imperialism, seems to misjudge the "future" of German, as well

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as all other, colonization. Raymond Buell's suggestions regarding the possible extension of the mandate system of the League of Nations ("International Relations," pp. 339–353) might be recommended here. At any rate, it might produce more lasting good to have Germany share in these endeavors at ameliorating the actual workings of the "civilizing mission of the white races" so-called, than to turn over to her the care of colonies which are likely to sap her economic resources to the limit.

C. J. F.

China's International Relations and other Essays, by Harley Farnsworth MacNair (Commercial Press, Shanghai, pp. viii, 326), is a collection of essays by the professor of history and government at St. John's University. He points out that throughout the last century China, believing in her innate superiority, denied equality to foreign nations, but that, as a result of the industrial revolution, China now occupies a position of inferiority in relation to the outside world, which now treats China much as that country treated westerners several hundred years ago. The writer does not believe that foreign rights in China are any safer than they were in 1834 or in 1900. While Japan prepared herself before she threw off foreign control, China has done little to prove that she is capable of living up to her international responsibilities. Other essays in this book treat such subjects as "American ignorance of things oriental," "land regulations of the International Settlement," and "Christianity in China." The writer believes that Christianity is at a critical moment, and that if it is to survive it must do so because of the unselfish and wise attitude of its followers both foreign and native. In the concluding chapter, the writer says that it is doubtful whether there is another country as stimulating to the student to history of China, and he makes the plea that in these days of revolutionary turmoil, China should not throw over the great teachings of her past.

Hamilton Fish Armstrong, in *The New Balkans* (Harper's, pp. 179), summarizes the territorial difficulties which have arisen in the Balkans since the war, such as Fiume, Bessarabia, and Saloniki. He also discusses the political situation in Jugoslavia and in Albania. He believes that despite present difficulties the Jugoslav nation will finally overcome the obstacles which now confront it. The final chapter discusses the efforts to strengthen the Little Entente and to organize a Balkan pact. He makes the interesting observation that on account of the Locarno agreements the influence of France over the Balkans has declined. Because these agreements attempted to reduce the German menace and

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to restrict France's liberty of action, Italy is now attempting to take France's place. Quite the best part of the book is the introduction by Professor Archibald Cary Coolidge, who shows why the "eastern question" is still one of the serious perils to the peace of mankind.

Southern Albania in European Affairs, 1912–1925, by Edith Pierpont Stickney (Stanford University Press, pp. xxii, 195), is a painstaking summary of the documents in regard to the Albanian question and was awarded the George Louis Beer prize by the American Historical Association in 1925. The writer discusses the attempts of different powers to divide Albania, and the book shows, among other things, that the independence of this tiny country has been, for the time being, saved by its admission to the League of Nations.

The Third British Empire, by Alfred Zimmern (Oxford University Press, pp. 148), discusses the important changes which have come over the British Empire since the end of the World War. The author states that the British Empire has survived while other empires have disappeared because it has contained a principle of vitality lacking in the others, namely, the spirit of liberty. He believes, however, that the problems of the British Empire can be solved only through the League of Nations and that if the British Commonwealth is to survive it will be only as a league within the larger League.

The Harris Foundation lectures at the University of Chicago for 1926 dealt with Mexico. They have now been published by the University of Chicago Press in two attractive volumes entitled *Aspects of Mexican Civilization,* by José Vasconcelos and Manuel Gamio (pp. 194), and *Some Mexican Problems,* by Moisés Saenz and Herbert I. Priestly (pp. 175).

War—Cause and Cure (pp. lxiv, 350), compiled by Julia E. Johnson, is one of the most recent additions to the Handbook Series published by the H. W. Wilson Company. Like the other volumes in this series, the book is made up of reprints of articles from journals and reports and contains a detailed bibliography of the subject. Differing from most of the companion volumes, the material is not presented in the form of affirmative and negative references, and there is no brief for argumentation and debate. Most of the material included dates from 1916.

Les Dettes Interalliés, by Germain Calmette, has come from the press of Alfred Costes in Paris (pp. 254). It is an interesting and comprehensive presentation from the French point of view.

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FOREIGN AND COMPARATIVE GOVERNMENT

Teachers and students of courses in English government and constitutional history should be interested in *Cases on the Law of the Constitution*, by Beroë A. Bicknell (Oxford University Press, pp. xiv, 215). The book contains a summary of 112 cases decided by the British courts. These are presented in four parts, on Parliament, the crown, the subject, and the Empire, which are further subdivided into the following headings: the sovereignty of Parliament; the privileges of Parliament; the House of Lords; the relation of the prerogative to statute; the Petition of Right; the rights and liabilities of servants of the crown; the administration of justice; the rights and duties of the subject; aliens and nationality; and the relation of the crown and Parliament. Each part of the volume is preceded by a brief historical account and an explanation of the important constitutional principles involved. The volume differs from the usual case-book in that the decisions are not given in detail. The author merely quotes the more important portion of each case and then summarizes the remaining parts in his own words. The volume is well arranged and carefully printed, and it contains both a table of cases and an index.

Twenty years ago, as students of colonial government will remember, Mr. Alleyne Ireland published some useful volumes on British administration in the Far East. It was his intention to follow these with a volume on Japanese colonial administration; but the Russo-Japanese war intervened and the study has been delayed until quite recently. The results of the author's investigations have now been incorporated in a volume on *The New Korea* (Dutton, pp. 354). Written in Mr. Ireland's effective style and with the benefit of his large background, the book presents a detailed account of the Japanese administrative system as it functions on the mainland.

According to a notice that apparently serves as a dedication, *British India, from Queen Elizabeth to Lord Reading*, by an Indian Mohammedan (Pitman, pp. xv, 578), "is published solely as a humble recognition of the great blessing British rule has conferred on India." The only surprising thing about the resultant volume is the completeness with which even a Mohammedan has been able to absorb the English view and treat Indian history as a succession of episodes of conquerors and vice-regal proclamations. There is little light on the economic factors in Indian history, but a good deal of indirect illumination is thrown on fundamental social and religious questions by the author's own attitude.

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The Reference Service on International Affairs maintained by the American Library in Paris has rendered students of comparative institutions and politics an important service by issuing, in mimeographed form, a bibliographical volume entitled *Official Publications of European Governments* (pp. 284). The list is confessedly imperfect from a strictly bibliographical point of view, but it represents a large amount of labor in a peculiarly difficult field, and is far superior to any other guide available for persons who have occasion to order or use official European documents. All countries are covered, the publications of each government being arranged by ministries. The volume may be procured from the American Library (10 Rue de l'Élysée, Paris) for ten dollars.

The Macmillan Company has published a second edition of *The Development of Japan* (pp. 245), by Kenneth S. Latourette, of Yale University. New material covering events of the last eight years has been added. There is a chapter on Japan as a world power, and the governmental and political developments of the last few years are described. The author finds a slight tendency toward a more constitutional government. He is of the opinion that "Japan will hardly be content to be an imitator and there is much in her past history that leads one to hope for new and valuable contributions to world culture." He feels certain, however, that Japan's future is inseparably bound up with that of China."

Democracy and Finance in China, by Kinn Wei Shaw (Columbia University Press, 215 pp.), is a survey of Chinese fiscal philosophy in its historical development (this topic taking up more than half the book) and of present-day financial reform. Democracy, although it comes first in the book's title, does not get much direct attention in the text.

Professor Kuno Francke's *German After-War Problems* (Harvard University Press, pp. 135) is a collection of four well-written and informing essays on the recuperation of Germany since the close of the war, and more particularly a discussion of the national forces which have made recuperation possible.

The Council on Foreign Relations, Inc., has issued a *Political Handbook of Europe* (pp. 103) containing carefully authenticated information about the parliaments, parties, and press of every European state, as of January 1, 1927. It is planned, if interest in the venture warrants, to revise the material and reissue the book at intervals of perhaps six months, and also to extend it to cover other areas of the world.

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The Vanished Empire, by B. L. Putnam Weale (Macmillan, pp. 379), is an endeavor to explain the disintegration of China. Most of the book is devoted to a detailed narrative of what has happened within the past couple of years. The volume is written in easy and effective style.

A French translation of a commentary on the constitution of the U. S. S. R. (*La Constitution de l'Union des Républiques Socialistes Soviétiques*), by Stefan Yaneff, has been published in Paris by Marcel Giard (pp. 72).

LOCAL GOVERNMENT

The National Municipal League has published *A Model Registration System*, which was issued as a supplement to the *National Municipal Review* for January, 1927. It is the report of the League's committee on election administration and was drafted by Professor Joseph P. Harris, of the University of Wisconsin, secretary of the committee. The report runs to forty-two pages and is in three parts. Part I (four pages) discusses the need of improvement in systems for registering voters now in vogue. They are found, for the most part, to be inconvenient to the voter, expensive in operation, and ineffective in preventing fraudulent voting. Part II (twelve pages) describes the present status of registration for voting in the United States with respect to purpose, constitutionality, frequency, personnel, records, procedure, checks, voting frauds, and cost. Part III (twenty-six pages) "sets forth in detail the specifications for what the committee believes to be an effective method of registration, meeting the criticisms leveled at present practices. Dr. Harris has done pioneer work in his survey and analysis of registration systems. His researches have given great impetus to the movement for the permanent registration of voters in various states. New Jersey has recently adopted it; permanent registration bills are before the Pennsylvania and Wisconsin legislatures; and the subject is being considered in Missouri, Illinois, and elsewhere. Fifteen states have it throughout and eleven in part. Dr. Harris's forthcoming book on the subject is awaited with great interest.

The title of *A City Council from Within*, by E. D. Simon (Longmans, Green and Company, pp. 246), turns out to be more alluring than the book itself. Mr. Graham Wallas, in a preface to the volume, speaks of the author as having done "a real and important public service;" but the reader who is not already well versed in the mechanism of English borough government will find the book rather stodgy, mechanical, and

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devoid of human interest. It deals, in the main, with the work of the council committees, explaining their day-to-day functions; but there are also chapters on the civil service (or, rather, on what the borough civil service ought to be), on the Lord Mayor, on municipal trading, and on the party system. The last-named chapter is of a rather sketchy character and can scarcely be said to illumine the subject. On the other hand, the author has managed to include much helpful data in his book, and as a work of reference it will undoubtedly serve a useful purpose.

The Story of the City Companies, by P. H. Ditchfield (Houghton Mifflin Co., pp. 325), gives an interesting account of the origin, history, organization, and activities of the London guilds which have played such an important part in the social, economic, and political life of England. At one time these companies were the body politic of London, sharing with the Lord Mayor and aldermen and sheriffs the rule of the city as well as the election of members to Parliament. They no longer choose members of Parliament, but they still take part in the election of the Lord Mayor of the old city of London, and nominate a few persons for final selection by the Court of Aldermen.

The University of Chicago Press has recently published an interesting booklet on *The Geographic Background of Chicago*, by J. Paul Goode (pp. 70). It is of special interest to students of municipal government and city planning.

An admirable study of *The Constitutionality of Zoning Regulations*, by Helen M. Werner, has been published in pamphlet form (pp. 57) by the University of Illinois (Studies in the Social Sciences, Vol. XII, No. V).

POLITICAL THEORY AND MISCELLANEOUS

The Public Life of Thomas Cooper, 1783–1839, by Dumas Malone (Yale Univ. Press, pp. xv, 435), is the story of the long and varied career of a British immigrant to America who was, by turns or simultaneously, a political agitator, religious radical, political economist, lawyer, educator, chemist, mineralogist, and physician. This very versatility, although the author seems to fail to realize it, made him a true child of his day and generation. Cooper, however, did not possess the urbanity of a Jefferson or the humble-mindedness of a Franklin; he was dogmatic and contentious and never lacked the courage of his inconsistencies. While in an almost professional sense a champion of the injured and unfortunate in society, his ideas of who were injured and unfortunate

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changed from time to time. This was never more strikingly illustrated than when this belligerent friend of humanity, once a hater of slavery, ended his life in South Carolina as a slaveholder and public defender of the "peculiar institution;" but by this time he had come to believe that the under-dog was not the negro but the white man whose face was being ground into the dirt by the Northern manufacturer. The author has told his story in a straightforward and pleasing fashion. This is the first study of Cooper's career as a whole, and although Cooper was only of second-rate importance, the careful student of the states' rights doctrine and of early science in America will find much of value in the volume.

A. M. S.

Two recent books dealing with the influence of public opinion from somewhat different points of view are *Five Weeks: The Surge of Public Opinion on the Eve of the Great War*, by Jonathan F. Scott (John Day, pp. viii, 305), and *Public Opinion and the Teaching of History*, by Bessie L. Pierce (Alfred A. Knopf, pp. xi, 380). Dr. Scott's book is an interesting study of public opinion as expressed by the newspapers of the various countries during the period from June 28 to August 4, 1914. Admitting that public opinion in Russia "expressed itself influentially in circles far more restricted than . . . . in France and England," that "the governments exercised a certain influence over a part of the press," and that the "exact relationship between leaders and followers cannot be accurately defined," it is the author's contention that the influence of public opinion in certain countries during the diplomatic crisis of the summer of 1914 was a more important factor in precipitating the war than "the orders and telegrams of statesmen and diplomats." Professor Pierce's volume contains a detailed analysis of the statutory regulations of the teaching of history in the several states from 1827 to the present time, describes the activities of various agencies such as the Grand Army of the Republic, the Catholic clergy, the National Security League, and the American Legion, in attempting to control text-books used for the teaching of history, government, economics, and sociology, and explains the attack on history text-books since 1917. There is also a chapter on disloyalty charges against teachers since 1917. The author has not only done her work thoroughly, but she has been most careful to narrate the facts without partiality or prejudice.

Two recent volumes in Harper's Social Science Series, edited by F. Stuart Chapin, are *The Labor Problem in the United States*, by Warren B. Catlin (pp. x, 659), and *Rural Sociology: A Study of Rural Problems*,

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by Carl C. Taylor (pp. 509). Part IV of Professor Catlin's book deals with such topics as the labor vote, labor legislation, the attitude of labor toward the courts, the rise of the British Labor Party, and the non-partisan tactics of the American Federation of Labor, and is therefore of special interest to students of government. It is one of the best short accounts of this subject known to the reviewer. The author is of the opinion that for the present "the non-partisan method would certainly be the better one for American labor to follow—the one most consistent with its aims and purposes and the one most likely to bring results." If the unskilled laborers should become more thoroughly organized, and should both the Republican and Democratic parties purge themselves of all taint of progressivism, the author believes that it might be impossible for "labor and capital to ride in the same political conveyance" and an independent labor party would then be inevitable. Chapter XX of Professor Taylor's book, on "The Farmer and His Government," is the one which most immediately concerns the student of politics. The author here considers such questions as the lack of an agrarian party in the United States, the farmers and national political parties, how the farmers influence the federal government, how the federal government aids agriculture, and the relation of the farmer to the state and local governments. Both books are written in an interesting style and are admirably suited for class-room use.

A revised edition of John R. Commons and John B. Andrews, *Principles of Labor Legislation* (Harper, pp. 616) brings up to date this convenient manual, and in doing so records and describes a large amount of labor legislation placed on the statute books since the volume first appeared in 1916, and particularly since the first revised edition was published in 1920. The two most important lines of development in the period are found in the provision of accident compensation for workers injured in the course of employment and in the provision for law enforcement, the latter particularly through extension of the industrial commission form of administration of labor laws and the substitution of administrative rules for legislative statutes. Much stress is laid upon the "post-war reaction" which has found expression in numerous decisions of the Supreme Court adverse to the exercise of the elastic police powers of the states to protect workers against new and increasingly serious hazards of industrial employment.

The Taxation of Inheritance, by William J. Shultz (Houghton Mifflin Company, pp. xii, 379), which was awarded first prize in the Hart,

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Schaffner and Marx essay contest for 1925, discusses the history of inheritance taxation in all countries, the theories underlying this kind of taxation, its various forms, bases and incidence, and problems of administration. The concluding chapter deals with federal vs. state inheritance taxes. It is the author's opinion "that were the federal estate duty to be abolished, much of the progress made in the character of state inheritance taxation during the past decade would be largely lost. The standards heretofore set by the federal tax would no longer exist. Non-taxing states like Florida would become a disintegrating force . . . . . During a period of more than thirty years, the states have shown their inability to cope with the more serious problems of inheritance taxation such as evasion and multiple taxation; a federal tax with rebate credits is necessary to safeguard the states against their own fiscal shortcomings."

Books on criminality in its various phases, continue to pile up. Two of the most recent are Philip A. Parsons' *Crime and the Criminal* (Knopf, pp. 387) and a substantial volume on *Delinquents and Criminals: Their Making and Unmaking* (Macmillan, pp. 317), by William Healy and Augusta F. Bronner. The former is a general survey of the whole problem by one who has long been a student in this field; the latter incorporates the results of an intensive study in two large cities—Chicago and Boston. Both are valuable contributions to the literature of the subject.

The *Dictionary of Canadian Biography*, edited by W. S. Wallace (Macmillan, pp. 433), is a most useful reference book. It contains short sketches of all persons who have figured prominently in Canadian history, with the exception of persons now living. The work of compilation has been performed with scrupulous accuracy and good judgment. The value of these brief biographies is much enhanced, moreover, by the bibliographical notes which are appended to each.

Politicians and the Press, by Lord Beaverbrook (Hutchinson and Company, London, pp. 127), is a lively account of the part played by the owner of the *Daily Express* in English politics since 1918 and the relations existing between some of the newspapers and political leaders during that period. The reader obtains fresh and first-hand information as to the influence of the newspapers in moulding public opinion and of the apparent desire of politicians to curry favor with the press.

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Anyone who glances through the table of contents in Wyndham Lewis' new volume on *The Art of Being Ruled* (Harper's, pp. 450) will realize that this is a book somewhat out of the ordinary. In general, it is an analysis of modern society and its obsessions. The publishers speak of it as "original, individual, and sardonic"—all of which it is. There is much bizarre discussion garbed in colorful language.

The first volume of M. Rostovtzeff's *History of the Ancient World* has been issued by the Clarendon Press. This initial volume is entitled *The Orient and Greece* (pp. 418). Special emphasis has been placed upon the culture of ancient states, as well as upon their political and economic organization.

A readable pamphlet on Tolstoy's *Theory of Social Reform*, by Milivoy S. Stanoyevich (pp. 57), has been published by the author, being a reprint of articles which have appeared in the *American Law Review* and the *American Journal of Sociology*. It deals with the great Russian's views on law, money, and property.

Two lectures by Dean Roscoe Pound, entitled respectively "The Problem of Criminal Justice" and "Criminal Justice in the Nineteenth Century," have been published by the Chimes Press, Los Angeles (pp. 32 each). The lectures were delivered before the Los Angeles Institute of Public Affairs in July, 1926.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Agg, Thomas R. Highway administration and finance. Pp. x+382. N. Y.: McGraw-Hill.

Bassett, John Spencer, ed. Correspondence of Andrew Jackson. Vol. II. Washington: Carnegie Institution.

Beard, Charles A. and *Mary R.* The rise of American civilization. 2 vols. Macmillan.

Bizzell, W. B. The green rising. Pp. 268. Macmillan.

Brinkman, Carl. Recent theories of citizenship in its relation to government. Yale Univ. Press.

Burnett, Edmund C., ed. Letters of members of the continental congress. Vol. III. Pp. lxii+582. Washington: Carnegie Institution.

Callender, Clarence N. American courts. N. Y.: McGraw-Hill.

Carey, Charles H. The Oregon constitution and proceedings and debates of the constitutional convention of 1857. Pp. 512. Salem (Ore.): State Printing Dept.

Catterall, Helen Tunnicliff, ed. Judicial cases concerning American slavery and the negro. Vol. I. Cases from the courts of England, Virginia, West Virginia, and Kentucky. Pp. xiv+508. Washington: Carnegie Institution.

Chinard, Gilbert, ed. The commonplace book of Thomas Jefferson: a repertory of his ideas of government. (Johns Hopkins Studies in Romance Literatures and Languages, extra vol. II, 1926). Pp. 404. Baltimore: Johns Hopkins Press.

Cook, William A. Federal and state school administration. Pp. 380. N. Y.: Cromwell.

Cook, William W. American institutions and their preservation. Pp. 412. N. Y.: The Author.

Donovan, Herbert D. A. The barnburners. Pp. viii+140. N. Y. Univ. Press.

Eliot, Clara. The farmer's campaign for credit. Pp. 324. Appleton.

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